



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

MEETING: PLANNING COMMITTEE

TIME: 1:00pm

DATE: Wednesday, 4th November 2020

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

ENQUIRIES REGARDING THIS AGENDA: Adrian Scaites-Stokes

DIRECT DIAL:(01353) 665555 EMAIL: adrian.scaites-stokes@eastcamb.gov.uk

Membership:

Conservative Members

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

Liberal Democrat Members

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

Independent Member

Cllr Sue Austen
(Lead Member)

Substitutes:

Cllr David Ambrose Smith
Cllr Lis Every
Cllr Julia Huffer

Substitutes:

Cllr Charlotte Cane
Cllr Simon Harries
Cllr Christine Whelan

Substitute:

Cllr Paola Trimarco

Lead Officer:

Rebecca Saunt, Planning Manager

Quorum: 5 Members

A G E N D A

1. Apologies and Substitutions [oral]
2. Declarations of Interest
To receive declarations of interest from Members for any Items on the Agenda in accordance with the Members Code of Conduct [oral]
3. Minutes
To receive and confirm as a correct record the Minutes of the Planning Committee meeting held on 7th October 2020
4. Chairman's Announcements [oral]
5. **20/00730/FUM**
Erection of 13 dwellings and associated parking and landscaping.
Swimming Pool, Newnham Street, Ely, CB7 4PQ
Applicant: East Cambs Trading Company Ltd
Public Access Link:
<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QBRMMQGGLUH00>
6. **20/00853/FUL**
Single storey conservatory/garden room extension with small observatory above, together with insertion of small window within apex of south facing gable of detached garage
4B West Drive Gardens, Soham, CB7 5EF
Applicant: Drs Charles and Susan Whyte and Stepney
Public Access Link:
<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QCW5F1GGMP700>
7. **Planning Performance Report – September 2020**

NOTES:

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

The Council has a scheme to allow public speaking at Planning Committee using the Zoom video conferencing system. If you wish to speak at the Planning Committee, please contact Janis Murfet, Democratic Services Officer for the Planning Committee adrian.scaites-stokes@eastcambs.gov.uk to register your wish to speak by 10am on Tuesday, 3rd November 2020. Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to access remotely, or do not wish to speak via a remote link. Please note that public speaking is limited to 5 minutes in total for each of the following groups:

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

2. A live stream of the meeting will be available on YouTube at _____ for public viewing. .
3. Reports are attached for each agenda item unless marked "oral".
4. If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: translate@eastcambs.gov.uk
5. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

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



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

AGENDA ITEM NO. 3

Minutes of a meeting of the Planning Committee facilitated via the Zoom Video Conferencing System at The Grange, Nutholt Lane, Ely on Wednesday, 7th October 2020 at 1:00pm.

PRESENT

Cllr Bill Hunt (Chairman)
Cllr Christine Ambrose Smith
Cllr Sue Austen
Cllr David Brown
Cllr Matt Downey
Cllr Lavinia Edwards
Cllr Julia Huffer (Substitute for Cllr Josh Schumann)
Cllr Alec Jones
Cllr Lisa Stubbs (Vice Chair)
Cllr Gareth Wilson

OFFICERS

Rebecca Saunt – Planning Manager
Emma Barral – Planning Officer
Maggie Camp – Legal Services Manager
Rachael Forbes - Planning Officer
Catherine Looper – Senior Planning Officer
Andrew Phillips – Planning Team Leader
Janis Murfet – Democratic Services Officer (Committees)

IN ATTENDANCE

Cllr Charlotte Cane (Agenda Items 8 & 10)

37. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Councillors Josh Schumann and John Trapp.

It was noted that Councillor Huffer would substitute for Councillor Schumann for the duration of the meeting. There was no substitute for Councillor Trapp.

38. DECLARATIONS OF INTEREST

Councillor Hunt said that with regard to Agenda Items 8 (20/01016/CCA – Creation of an Energy Centre to serve the village of Swaffham Prior), and 9 (20/00761/CCA – Erection of solar PV Panels), he wished it to be known, in the interests of openness and transparency, that he was a County Council Member. As it would be the County Council determining both applications, he would participate in the discussions.

39. MINUTES

It was resolved:

That the Minutes of the meeting held on 2nd September 2020 be confirmed as a correct record and signed by the Chairman.

40. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- It had been agreed by himself, in consultation with the Planning Manager, to defer consideration of Agenda Item No. 5, application 20/00296/OUM (Development of retirement care village in class C2 comprising housing with care, communal health, wellbeing and leisure facilities, public space, landscaping, car parking, access and associated development – Land rear of 163 to 187 High Street, Bottisham) until a later date to allow the applicant time to respond to late consultation comments received. This decision had been taken with a great deal of thought and care;
- On the 24th September 2020 the Council received a decision following an appeal hearing for land between 27 and 39 Sutton Road, Witchford, from the Planning Inspectorate, which dismissed the appeal and concluded that the Council could demonstrate a five year land supply. As a consequence of that decision the Council continued (as it has since 21 April 2020) to determine planning applications on the basis that the Council could demonstrate a five year land supply. Any challenges to that position would be robustly defended by the Council.

In addition, the Council would continue to fulfil its obligations to regularly update its Five Year Land Supply Reports, and was expecting to publish an updated version shortly. Such a publication would both: roll forward the base date from 2019 to 2020; and be made consistent with the principles established by the aforementioned appeal decision. The strong expectation of the Council was that the updated Report, to be published shortly, would continue to demonstrate a healthy supply of deliverable homes well in excess of five years' worth.

Following receipt of this appeal decision, it should also be noted by Members that the appellants for a different site in Witchford (Land North of 196-204 Main Street) had decided to withdraw their appeal, which was due to be heard at a hearing in November;

- He welcomed Holly Chapman, who joined the department as a new Planning Officer as of 28th September;
- Maggie Camp, Legal Services Manager, had recently got married. On behalf of the Committee, the Chairman wished and her husband Nick a happy life together;

- Janis Murfet, Democratic Services Officer (Committees), was leaving the Council after many years of service. On behalf of the Committee, the Chairman wished her a happy retirement and thanked her for all she had done.

41. 20/00296/OUM – LAND REAR OF 163 – 187 HIGH STREET, BOTTISHAM

Consideration of planning application reference 20/00296/OUM was deferred until a later date to allow the applicant time to respond to late consultation comments received.

42. 20/00522/FUM – SITE SOUTH WEST OF MEADOW VIEW FARM, THE BUTTS, SOHAM

Andrew Phillips, Planning Team Leader, presented a report (reference V79, previously circulated) which sought full planning permission for the construction of a solar farm and associated works including inverter stations, DNO building, security measures, connection point to the National Grid, communications mast, landscaping and upgraded access road.

The application had been amended, with the most significant amendment being the revision of the red line in order to allow a suitable entrance to the site from Wicken Road that would accommodate lorries during the construction phase. The developer had also provided additional photomontages and a flood risk assessment,

The site was located to the west of Soham, south west of Cherry Tree Lane and to the north west of St Lawrence's Church in Wicken. The vehicular entrance was off Wicken Road on the A1123. The current landscape was a mix of open fields, field ditches and hedge/tree lined walkways.

Councillor Huffer joined the meeting at 1.16pm.

A number of illustrations were displayed at the meeting, including location plans, aerial views, a photomontage of locations referred to, the proposal, the farm entrance, additional landscaping, and the other structures on the site.

The main considerations in the determination of this application were:

- Principle of Development;
- Visual Impact;
- Residential amenity;
- Highways;
- Highways;

- Ecology; and
- Temporary loss of farm land.

Members were reminded that the Intergovernmental Panel on Climate Control (IPCC) stated that there needed to be a 45% reduction in carbon dioxide levels by 2030 in order to meet the 2050 target (ensuring global temperature does not rise more than 1.5C).

UK National Legislation, the NPPF, Policy ENV6 of the Adopted Local Plan and the Renewable Energy SPD were all in favour of promoting renewable energy via solar farms in principle. On the 21st October 2019 East Cambridgeshire declared a Climate Emergency.

The benefits of renewable energy were considered to be granted very substantial positive weight and this proposal was considered to be acceptable in principle. It was noted that this scheme could power approximately 18,200 dwellings.

The Planning Team Leader stated that the application site was in a bowl/valley, with the nearby settlements of Soham and Wicken being on the higher ground; the ground to the north sloped downwards. The developer had submitted a Landscape Visual Impact Assessment (LVIA) which concluded that the proposal would not significantly harm the existing landscape, although a wide range of public areas in the locality would be moderately affected.

A landscape Planting Plan had also been submitted that showed additional landscaping along to the western boundary, south west and north east corners of the solar farm. This was to provide more landscaping to help the development blend into the wider countryside and reduce the more long term impacts on the rural character of the area. The Planning Team Leader presented a series of slides, taken from a variety of viewpoints, to help illustrate the existing views and how they would look in a number of years.

It was considered that due to the nature of the proposal, it would have a very limited impact upon residential amenity whilst operational. However, sound could carry and conditions would be imposed regarding when general construction/deliveries could take place and a tighter time frame for when piling could be undertaken. This would help to ensure those using the area for recreation had a measure of protection. The right to install additional external lights would be removed and the applicant would be required to submit a Construction Environmental Management Plan (CEMP).

With regard to highways, the main concern from the Local Highways Authority (LHA) was ensuring that construction vehicles could safely pull off Wicken Road without having to wait for a vehicle to leave the site. This had been overcome by the developer's amendment that would widen the farm entrance onto Wicken Road. The CEMP would be required to ensure that all the construction work was as safe as possible as well as getting the developer to instruct that suppliers used preferred routes to the site.

Members noted that the developer had submitted a Preliminary Ecological Appraisal, Wintering Bird Survey and a Landscape & Ecological Management Plan. It was considered that the proposal would lead to significant biodiversity gain in the local area.

According to the Natural England Map of East Anglia, the site was in an area of Grade 3 agricultural land, some of the lowest quality agricultural land in the District. The benefits of solar energy were considered to far outweigh the loss of this land, as in this rural district this was the best place to locate solar farms. The submitted Landscape & Ecological Management Plan required sheep to be maintained on site, although the numbers would vary throughout the year as the purpose was to help improve the biodiversity on the site. Allowing the site 40 years to recover from intensive farming would likely lead to a net benefit in the long term. This would be conditioned in both how the site was decommissioned and restored.

The Planning Team Leader concluded his presentation by saying that it was considered that the merits of the scheme far outweighed the short term harm identified. It was therefore recommended that the application be approved, subject to the recommended conditions.

At the invitation of the Chairman, Mr Andrew Hodgson, addressed the Committee saying that he was the Planning Consultant for the application. He was accompanied by Richard Morgan from BSR Energy Ltd, who would answer any technical questions. It was not their intention to give a presentation as this had been covered by the Officer's report but they would answer Members' queries. Mr Hodgson said he wished to pick up on the matter of HGVs; they would be controlled through the CEMP and contractors would be sent a route to be put into the satnav's, which would direct traffic along the A14. They would have to follow that route and not go through the villages; this was important to them because the construction period would take some 5 months. There would also be additional signage.

Councillor Jones remarked that the local area was being somewhat inundated with such applications and he wondered why it was so. Mr Hodgson replied that from a planning perspective, this site was Grade 3 agricultural land and therefore quite low quality. They tended to steer applications away from high quality land. All potential sites were assessed and graded at the outset and if they met the criteria, they would be considered. A number of factors were taken into account, including that local residents should not be adversely impacted and a main consideration was being able to get into the National Grid. All of this was done before submitting a planning application.

In response to a question from Councillor Brown, Mr Hodgson confirmed that the proposal would connect to the grid by pylons.

Councillor Huffer said she hoped Mr Hodgson had misspoken when he said that HGVs would be coming through Fordham; he replied that the vehicles would come from the A14 junction and go onto the Fordham Bypass, not through the village. Councillor Huffer also wished to know how close the nearest

settlement was to the solar farm. Mr Hodgson was unable to give an answer but suggested that the Planning Team Leader might be able to tell her.

Councillor Wilson said that in the past, solar farms had offered compensatory benefits to the villages and he asked if there was any intention to offer something this time. Mr Hodgson replied that they had to be very careful because the CIL regulations did not allow the offering of incentives up front; any benefits offered would have to be directly related to the scheme. They were not intending to offer anything as the proposal would not impact on any villages, and CIL was not payable on this scheme.

The Chairman said he believed local concerns had been made clear to Mr Hodgson and he thought that the applicant would wish to be a good neighbour and get on with the local residents. They were aware that people did not want HGVs coming through their villages and on a point of information, he added that the A1123 was not on the County Council's preferred route list, but the A142 was included.

Referring to Councillor Huffer's earlier question about the distance of the nearest settlement from the solar farm, the Planning Team Leader said it would be approximately 500 metres to St Lawrence Church, Wicken.

Councillor Jones raised the comments made by Soham Town Council in respect of Bracks Drove and Mr Hodgson responded advising that the Drove did not relate to this site. Councillor Jones said he was concerned at the number of solar farms in the local area, but he believed it was right to grant permission and duly proposed that the Officer's recommendation for approval be supported.

In seconding the motion, Councillor Brown echoed those comments, although he too was concerned about the cumulative impact of all the applications coming in. Many were routing through Burwell with the potential sterilisation of land. He was also concerned about the cumulative visual impact and felt that perhaps more work should be done on how many applications should be granted permission.

Councillor Downey said he would be delighted to see more proposals coming forward in East Cambridgeshire. We were facing a colossal climate crisis and needed as much renewable energy as possible.

Councillor Ambrose Smith reiterated the need for renewable energy. She said that the Council had not wanted wind turbines and so this was the other option. The applicant appeared to have made an effort to get it right, and it seemed to her to be a commendable development.

Councillor Huffer echoed Councillor Brown's concerns regarding the cumulative impact that solar farms would have in this area but she also echoed Councillor Downey's sentiments about the need for more renewable energy. She made the point that if too much land was used for solar farms, we would end up importing food and that would be a negative thing. The site might be Grade 3 agricultural land, but people needed to be fed. There had to be a limit to how we

saw the countryside looking for the next 40 years and we should be thinking about the future generations.

The Committee then returned to the motion for approval and when put to the vote,

It was resolved unanimously:

That planning application reference 20/00522/FUM be APPROVED subject to the recommended conditions as set out in the Officer's report.

43. 20/00669/FUL – LAND TO THE REAR OF 39 TOYSE LANE, BURWELL

Rachael Forbes, Planning Officer, presented a report (reference V80, previously circulated) which sought permission for the construction of a two bedroom, single storey detached dwelling with parking and associated works.

The application site was within the development envelope of Burwell, and consisted of a single storey dwelling which had been granted permission to be divided into two dwellings under application reference 19/01769/FUL. This section of Toyse Lane consisted of single storey dwellings which were linear in form. To the rear of the site and behind this section of Toyse Lane was open countryside.

It was noted that the application had been called in to Planning Committee by Councillor David Brown as he believed the application warranted a broader discussion in Committee, bearing in mind other developments in the vicinity.

A number of illustrations were displayed at the meeting, including a location plan, aerial views, the proposed block plan, proposed plans and elevations, photographs in and around the site.

The main considerations in the determination of this application were:

- Principle of development;
- Visual amenity;
- Residential amenity;
- Highway safety & parking;
- Ecology & trees;
- Flood risk & drainage; and
- Contaminated land.

The application site was within the development envelope of Burwell and therefore the principle of development was considered acceptable, subject to all other material planning considerations.

In terms of visual impact, the proposed scheme would be subservient to the existing dwelling. This section of Toyse Lane consisted of single storey dwellings in a linear pattern of development and the wider street scene was a mixture of dwelling types and styles. The proposal would introduce backland development in the form of a contrived and uncharacteristic layout, resulting in an incongruous and out of keeping addition and it would have no visual connection to Toyse Lane. A slide showing an aerial view of the location illustrated the cul de sac nature of development in the area.

Turning next to residential amenity, the Planning Officer reminded Members that the proposed dwelling had four adjacent neighbours at 35, 37, 39 and 41 Toyse Lane. It was considered that the proposal would provide sufficient amenity for future occupiers and did not result in any significant adverse impacts on the neighbouring dwellings.

The Local Highways Authority had raised no objection to the proposal, but the Parish Council had concerns regarding visibility when entering the highway from the dwelling and the long driveway. It was noted that the long driveway was the existing access and it extended almost to the rear of the plot. The plan showed that two car parking spaces had been provided and there was sufficient space for cycles to be stored on site. As such, the proposal was considered to comply with Policies COM7 and COM8 of the Local Plan 2015.

With regard to other matters, details of ecological enhancements, compliance with the Arboricultural Impact Assessment (AIA) and a contamination investigation could all be secured by condition.

The Planning Officer concluded her presentation by saying that it was considered that the proposed dwelling would not result in significant adverse impacts to neighbouring dwellings and would provide sufficient amenity to future occupiers. It was acceptable in terms of highway safety and parking provision, and the design of the dwelling was considered to be acceptable.

However, the proposal would introduce a form of backland development which went against the prevailing pattern of linear development in the immediate street scene. It would result in an incongruous and contrived development with no visual connection to Toyse Lane. The application was therefore recommended for refusal.

At the invitation of the Chairman, Mr Adrian Fleet, agent, addressed the Committee and made the following points:

- With family in the area, the applicants were all too aware of the difficulty in finding well designed, accessible accommodation for those who did not wish or were unable to live in multi-storey dwellings;
- They believed that 39 Toyse Lane offered an opportunity to provide such accommodation;

- The applicants were currently building out their approval to subdivide and refurbish the large dwelling to the front. The site was large and offered an opportunity to develop a spacious, well considered dwelling to the rear;
- As set out in paragraph 68 of the NPPF, small sites could often make an important contribution towards meeting housing requirements in the local area and they were often built out quickly. To promote a good mix within the development envelope, the Council should support the use of such sites within existing settlements;
- The proposal aligned with and exceeded the requirements of the Design Guide and would maintain the plot sizes to the dwellings at the front;
- The applicants had worked hard to ensure privacy and visual amenity would be maintained. The Officer's report confirmed that the application complied with the critical criteria;
- The proposed dwelling would be subservient to its host and respectful to its neighbours and it would have a very limited visual impact on its surroundings;
- The applicants were demonstrating their commitment to East Cambridgeshire and delivering on their planning approvals;
- High quality bungalows were currently in short supply in the area. This site demonstrated the ability to provide dwellings for those looking to live in single storey environments;
- The Officer had established that the proposal would have no impact on its surroundings but the form of development was deemed to be out of character with the area. Dwellings to the south east and north west were beyond the historical linear development first established in the 1940's, so it was acknowledged that development to the rear was acceptable in some cases. The Officer outlined that the development would only be acceptable if taken in the form of a cul de sac rather than single houses;
- Conversely, on another application, the Officer had concluded that existing cul de sacs served to define the character of the area and therefore backland development was already a longstanding character of the area, much as here;
- The only issue was where the dwelling appeared on the Plan, and he did not believe it would have a significant or adverse impact.

Councillor Jones wished to know if subdivision of the existing dwelling would have an effect in terms of adequate parking, and Mr Fleet informed him that there would be two parking spaces at the front for each dwelling.

Councillor Wilson also queried the parking arrangements and was assured by Mr Fleet that parking for the host dwelling was protected in perpetuity and there would be two spaces for the property to the rear.

Councillor Jones then asked the Planning Officer if, in the event that the application was approved, there would be any benefit regarding further backland development; she replied that it would likely be refused on principle.

Councillor Ambrose Smith considered the scheme to be perfectly acceptable. The only strong objections had been from the Officer and the dwelling would not be very visible from the road. Two bedroom bungalows were in demand and this application would provide another small accessible property; she was happy to support the application.

Councillor Brown commented that it was a judgement call and why he had called in the application.

Councillor Huffer recalled that during their planning training, the trainer had said Members should think about 'what harm will this do' and in this case, she could see none. She proposed that the Officer's recommendation for refusal be rejected on the grounds that it was a perfectly acceptable proposal with adequate parking and that there would be no demonstrable harm caused in respect of backland development. The motion was seconded by Councillor Ambrose Smith.

Councillor Edwards disagreed, believing that approval of the application could set a precedent; she therefore proposed that the Officer's recommendation be supported.

Councillor Stubbs considered the application to be finely balanced, but agreed with Councillor Edwards that to grant approval would set a precedent. She believed that the impact on parking would be huge and she completely agreed with the Officer; she duly seconded the motion for refusal.

Councillor Downey acknowledged that a precedent might be set and that the Committee should be consistent in its decisions, but each application should be considered on its merits. He was not too worried about setting a precedent or about parking and said he could not see any harm in the proposal.

Councillor Wilson felt it was difficult to get an impression of the proposal without a site visit, and he was therefore minded to go with the Officer's recommendation.

The Committee returned to the motion for approval of the application. When put to the vote, the motion was declared lost, there being 3 votes for, and 7 votes against.

The Committee next turned to the motion in support of the Officer's recommendation for refusal. When put to the vote, the motion was declared carried, there being 7 votes for, and 3 votes against. Whereupon,

It was resolved:

That planning application reference 20/00669/FUL be REFUSED for the reason given in the Officer's report.

44. **20/01016/CCA – GOODWIN FARM, 1 HEATH ROAD, SWAFFHAM PRIOR, CB25 0LA**

Andrew Phillips, Planning Team Leader, presented a report (reference V81, previously circulated) from which Members were recommended to endorse the wording of the consultation response of East Cambridgeshire District Council to Cambridgeshire County Council regarding an Energy Centre to serve the village of Swaffham Prior.

The proposal was made up of four elements:

- Energy centre with the air source heat collectors located to Goodwin Farm;
- Underground ground sourced heat collector, defined by boreholes and pipework;
- Solar farm; and
- Underground heat network to non-listed buildings within the village.

These combined would form a Neighbourhood Heating System, designed to reduce/remove the requirement of the village using fossil fuel (oil) to heat its properties. No listed building application had been submitted alongside this application, therefore any works to install to listed buildings would require separate listed building consent in order to benefit from the proposed heating system.

It was also understood that the solar farm, unlike most solar farm applications, was seeking a permanent permission in order to secure the long term powering of the air source heat pumps at the energy centre.

The application site was 20.9 hectares (51.6 acres) and covered the energy centre, underground heat collection system, solar farm and the vast majority of roads within Swaffham Prior. There was a Public Right of Way running across the field which was proposed to be used for the underground heat collection and solar farm on Heath Road. National Grid Pylons also crossed this element of the site.

A number of illustrations were displayed at the meeting. They included a location plan, an aerial view, the proposal, magnified image of the energy centre, an indicative of the ground source heat pump and a cross section of the solar farm.

The Planning Team Leader concluded his presentation by saying that East Cambridgeshire District Council supported renewable energy and had no objections to the proposals, but conditions would be requested:

- To control piling works;
- Hours of construction works;
- Soft landscaping;

- CEMP; and
- Biodiversity enhancement.

It was noted that concerns had been raised by the horse racing industry regarding water quality and supply. The County Council would need to determine that the proposal would not have a detrimental impact upon the horse racing industry, as required by Policy EMP6 of the Adopted Local Plan.

At the invitation of the Chairman, Councillor Charlotte Cane, a Ward Member for Bottisham, addresses the Committee and made the following points:

- For the sake of transparency, she wished it to be known that she was an honorary Director of the Reach Community Solar Farm. She did not believe she had a pecuniary interest, as it was not in competition with the application;
- There was a real climate challenge in many of our villages, as they relied on oil or bottled gas. Changing over to another fuel could be difficult and require capital investment which was out of reach for many residents;
- The scheme was an innovative approach to providing environmentally friendly heating for the village, with the upfront investment falling to the commercial operator;
- She commended the people behind the scheme for their public consultation, which had been significant, and for their determination to make the scheme as environmentally friendly as possible;
- In honesty, the scheme was not universally popular in Swaffham Prior. There were strong concerns about the environmental impact during the development stage and some questions regarding the full life carbon impact;
- She thought the response covered all the concerns raised and hoped that with controls in place, the Committee would support the proposal;
- This was an exciting way of providing environmentally friendly residential heating and would help to address fuel poverty in the villages;
- The visitor centre would allow others to learn from the technology and hopefully inspire other schemes in the District.

Councillor Wilson asked if there had been any response from the people living in the houses to be heated; were they in favour, against the scheme or ignorant of it? Councillor Cane replied that she doubted whether anyone was ignorant of the proposal as there had been a concerted PR campaign. The scheme itself had to have a certain number of people sign up before it could proceed, and it did have the numbers. It was a bit of a 'marmite' scheme in that many people saw it as a good way of addressing climate change and fuel poverty while others were concerned about the disruption. This was why the

controls asked for were really important, concerns had been addressed and the proposal adapted.

Councillor Ambrose Smith asked if the scheme would potentially be able to provide energy for future predicted growth. The Planning Team Leader replied that most roads in the settlement had been connected to the heating system, and only those residents connected to the red line would benefit from the scheme. However, he believed there would be capacity for some additional houses to be put forward onto the network in the future if required, by extending the proposed network.

Councillor Ambrose Smith then asked why the County Council was determining the application rather than East Cambridgeshire. The Planning Team Leader explained that there were two different departments within the County Council; there was the one pushing development to come forward, and then the Planning Department which was considering the application. East Cambs was happy for the County Council to consider the main part of this application, but we would determine anything such as tree works or listed buildings.

Speaking of the economics, Councillor Jones wished to know if people connecting to the system would be liable for any increase in costs. The Planning Team Leader said he was unable to give a definitive answer about how pricing would be controlled. No resident was being forced to sign up to the scheme and he imagined that the energy would be cheaper in the long term.

Councillor Jones then asked about the life expectancy of the system and was advised that it would be for evermore. In the longer term there would likely be a maintenance programme for the pipe works and the applicant had a monitoring system to ensure that everything was working correctly.

During the course of discussion a number of Members expressed their endorsement of the proposal.

Councillor Stubbs congratulated the village on what she considered to be an exciting scheme. It was an example of how the applicant had engaged with the community, and it was forward thinking in proposing to provide an education centre. Councillors Jones and Wilson concurred, the former hoping it would work as an exemplar for other communities and would work out economically.

Councillor Ambrose Smith wondered if housing associations and social housing providers had bought into the scheme. She thought future schemes should engage with it, as it would be of great benefit to social housing provider.

Councillor Brown assumed that the system would be pumping water and said he wondered if a marker should be laid down about noise controls on the pumping unit. The Planning Team Leader reiterated that Environmental Health had raised no concerns on this point.

It was proposed by Councillor Stubbs and seconded by Councillor Jones that the Council's consultation response be endorsed, and when put to the vote,

It was resolved:

That Members endorse the following consultation response proposed by Officers:

East Cambridgeshire District Council support projects for renewable energy development in accordance with policy ENV6 of the East Cambridgeshire Local Plan 2015. East Cambridgeshire District Council raise no objection to the proposals but do request that conditions are appended to any grant of permission which cover the following:

- Request that any ground piling works are restricted to the hours of 09:00 – 17:00 each day Monday – Friday. None on Saturdays, Sundays or Bank Holidays.
- Request that construction works (excluding ground piling works) are restricted to the hours of 07:30 – 18:00 each day Monday – Friday; 07:30 – 13:00 on Saturdays; and None on Sundays or Bank Holidays.
- East Cambs District Council wish to see conditions appended to any grant of permission which requires a detailed scheme for soft landscaping and its ongoing maintenance to be submitted and approved in writing. 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 prior to the end of the first planting season following completion of the development. The condition should also allow scope for replacement planting, if any tree or plant is removed, uprooted or destroyed or dies. The maintenance scheme shall set out:
 - methods for the proposed maintenance regime;
 - detailed schedule;
 - details of who will be responsible for the continuing implementation
 - details of any phasing arrangements
- That prior to any work commencing on site a condition is secured for a Construction Environmental Management Plan (CEMP).
- East Cambs District Council wish to see a condition appended to any grant of permission which secures a comprehensive scheme of biodiversity improvements as part of the development.

In addition the County Council will need to satisfy itself that there is no detrimental harm to the horse racing industry in the local area; following concerns having been raised by the horse racing industry regarding water quality/supply.

45. 20/00761/CCA – NORTH ANGLE FARM, ANGLE COMMON, SOHAM, CB7 5HX

Catherine Looper, Senior Planning Officer, presented a report (reference V82, previously circulated) from which Members were recommended to confirm

the wording of the consultation response of East Cambridgeshire District Council to Cambridgeshire County Council regarding the erection of solar PV panels and associated infrastructure and landscaping.

It was noted that the solar farm was designed to export 29.4MW (AC) to the National Grid, generated by 39MW (DC) installed generating capacity. The application was for a temporary period of 35 years. The proposal would consist of 78,000 PV panels on mounting frames; it would also include associated works such as inverter cabins, transformers, Designated Network Operator (DNO) building, communications building, security measures and landscaping. The DNO cable would connect to the Burwell substation some 4.5 kilometres to the south of the site.

The application site was made up of two parcels of land separated by a public bridleway known as Twelve Foot Drain. The eastern parcel was approximately 15.6 hectares (38.5 acres) and the western parcel was approximately 58.14 hectares (143.6 acres). The site was most recently used as tenanted agricultural land, although the tenancy had now ceased. The surrounding landscape was dominated by agricultural land, with the exception of Triangle Solar Farm directly to the north.

The application was being determined by Cambridgeshire County Council. East Cambridgeshire District Council was a consultee and not the determining body.

A number of illustrations were displayed at the meeting. They included a map, an aerial view, the proposal, a list of the accompanying documents, the site arrangement, and a cross section of the solar PV arrays.

The Senior Planning Officer concluded her presentation by saying that East Cambridgeshire District Council had no objection to the proposals but conditions were requested, including:

- Detailed scheme for decommissioning;
- Road condition reports;
- Ground piling times limited;
- Detailed scheme for soft landscaping and its maintenance; and
- Comprehensive scheme of biodiversity enhancements.

Councillor Brown asked why this scheme was being cabled all the way to Burwell when the one next door was going straight into the overhead high voltage lines. The Senior Planning Officer said she was unable to provide an answer but would find out and let him know.

Councillor Wilson wished to know why the District Council was not being asked to approve this application and the Senior Planning Officer reiterated that it was a County Council application, separate to their Planning Department; East Cambs was just being asked to comment as a consultee. The Planning Manager

interjected to add that that it was being done as a Regulation 3 application, in much the same way as they dealt with schools. The previous agenda item was not a County Council application.

Councillor Huffer commented that this would mean more land given over to solar panels, and there had to be a limit otherwise we would end up importing food. She cautioned that Members should be very mindful of this, whatever the agricultural grade of the land.

Councillor Downey did not think there was a limit as to how much was developed on agricultural land insofar as it should continue until we were carbon neutral. He took Councillor Huffer's point about food but said that we were a net importer of food; a balance had to be struck and we were a long way off having enough renewable energy.

Councillor Huffer replied that we would end up having to import the very crops that we grew in this region. A balance had to be struck and she did not wish to see the District completely covered in solar panels.

Councillor Ambrose Smith wondered if other counties within the UK were being as open minded to solar farms. Whilst taking Councillor Huffer's point about food production, she thought there should be solar farms wherever possible.

The Chairman reminded Members that this Council had adopted the Climate Emergency Motion and was committed to it. There was also the policy of having no wind farms in our flat countryside, which had been adopted approximately five years ago. He felt it was inevitable that these solar farm applications would come forward and some urgency was required to achieve the renewable energy targets.

It was duly proposed by Councillor Ambrose Smith and seconded by Councillor Downey that the Council's consultation response be endorsed.

When put to the vote, the motion was declared carried, there being 9 votes for and 1 vote against.

It was resolved:

That Members endorse the following consultation response proposed by Officers:

East Cambridgeshire District Council support projects for renewable energy development in accordance with policy ENV6 of the East Cambridgeshire Local Plan 2015. East Cambridgeshire District Council therefore raise no objection to the proposals subject to the recommended conditions set out below:

- East Cambs District Council wish to see a condition appended to any grant of permission which requires a detailed scheme for the decommissioning of the site to be submitted to and approved in writing by the County Council prior to the expiration of the temporary period of consent.

- East Cambs District Council request that a condition is appended to any grant of permission which requires the submission of a report setting out the condition of the access roads to be submitted prior to commencement of any works, and a separate condition requiring the repair of these roads should damage be caused during construction works.
- The Environmental Health Team at East Cambs District Council request that any ground piling works are restricted to the hours of 09:00 – 17:00 each day Monday – Friday. None on Saturdays, Sundays or Bank Holidays.
- The Environmental Health Team at East Cambs District Council request that construction works (excluding ground piling works) are restricted to the hours of 07:30 – 18:00 each day Monday – Friday; 07:30 – 13:00 on Saturdays; and None on Sundays or Bank Holidays.
- East Cambs District Council wish to see conditions appended to any grant of permission which requires a detailed scheme for soft landscaping and its ongoing maintenance to be submitted and approved in writing. 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 prior to the end of the first planting season following completion of the development. The condition should also allow scope for replacement planting, if any tree or plant is removed, uprooted or destroyed or dies. The maintenance scheme shall set out:
 - methods for the proposed maintenance regime;
 - detailed schedule;
 - details of who will be responsible for the continuing implementation
 - details of any phasing arrangements
- East Cambs District Council wish to see a condition appended to any grant of permission which secures a comprehensive scheme of biodiversity improvements as part of the development.

46. **UPDATE REPORT ON 19/01721/VARM (CAR PARK, HILL SIDE MILL, QUARRY LANE, SWAFFHAM BULBECK) ON THE OUTCOME OF THE DISCUSSIONS REGARDING THE S106 AGREEMENT IN RESPECT OF AFFORDABLE HOUSING FOLLOWING APPROVAL BY PLANNING COMMITTEE SUBJECT TO THE SIGNING OF THE S106 AGREEMENT AT PLANNING COMMITTEE ON 1ST JULY 2020**

Emma Barral, Planning Officer, presented a report (reference V83, previously circulated) which provided Members with an update on application 19/01721/VARM which came to Planning Committee on 1st July 2020, in relation to affordable housing.

A number of slides were displayed at the meeting, including a map of the application site, a wider aerial view and details of the variation application.

Members noted that the Case Officer and Andrew Phillips, Planning Team Leader, attended a meeting with Swaffham Bulbeck Community Land Trust (CLT) and the developer on 21st July 2020 to discuss the options in relation to the fifth affordable dwelling and whether it could be provided on-site and managed by the CLT instead of an off-site contribution.

Following the meeting, it was agreed that in addition to the 4 affordable units to be provided on site, the 5th dwelling (originally to be met by an off-site contribution) was to be offered to the Swaffham Bulbeck CLT to be maintained as an affordable housing unit in perpetuity. Therefore the CLT would get the first option in relation to the affordable unit.

The S106 Agreement had been drafted on this basis and there would be a mechanism in the Agreement so that the CLT could purchase the dwelling and if not, it would be a market dwelling and the off-site contribution paid.

The Housing Officer had been heavily involved in the drafting of the S106 Agreement and was content with it. The Planning Team Leader and Planning Manager had met with the CLT and Councillor Cane this week to discuss the Agreement and the CLT had confirmed that they now understood there was nothing stopping them from engaging in early negotiations with the developer.

The Planning Officer concluded her presentation by reminding Members that the application had already been determined and this report was purely an update.

At the invitation of the Chairman, Mr George Ballard, Chairman of the Swaffham CLT, addressed the Committee. He thanked the Planning Committee for its swift action at the meeting in July, in giving the CLT the opportunity to take up this affordable housing unit which otherwise would have gone to a commutable sum. All the arrangements were now transparent and clear; the CLT was very happy with them moving forward and it would now be up to them to deal with the contractor to take over ownership in due course.

By way of a comment, Mr Ballard said it did show a certain lack of transparency for a CLT in this instance, and also the importance of governance for future applications and any other CLT hoping to take up affordable housing. Quoting from the NPPF he said that paragraphs 41 and 42 identified that the more that could be resolved at the pre-application stage, the more likely the process would be successful and would assist the local authority in issuing timely decisions.

He thought there was a lesson to be learned. The CLT had tried its hardest to make the Planning Officers and ECDC aware of the community interest in the site. When the development was presented to the Parish in July 2019, the CLT expressed its interest in taking up all the affordable housing at that time. It was not until the Planning Committee's timely intervention in July 2020 that the CLT was given the opportunity to do so. It was felt that

consultation with the Parish and the CLT's views/input could have been dealt with a long time ago, thereby avoiding a last ditch battle.

CLT's needed to be more advanced in their knowledge to understand what was going on. At the same time, local authorities should recognise that CLT's were, by their nature, run on a shoestring and voluntary. They could not afford expensive advice and needed every help they could have from the local authority.

At the invitation of the Chairman, Councillor Charlotte Cane, a Ward Member for Bottisham, addressed the Committee. She wished to reiterate Mr Ballard's thanks to the Committee for asking the Planning Officers to find a way to keep the fifth dwelling on the site, and she thanked Officers for working so hard to deliver it. She also thanked the CLT and developers for finding a practical way to take forward the matter.

There was still an outstanding concern regarding the pricing of the property and ensuring that it was affordable for the CLT, but she accepted that this was not an issue for the S106 or the Committee. By a considerable amount of effort from all parties, it seemed that a way had been found to keep a much needed affordable home in Swaffham Bulbeck, in perpetuity. There was still a lot of good will and effort needed to deliver it, but the CLT was very determined to make it work.

With the permission of the Chairman, the Democratic Services Officer read out the following statement on behalf of Councillor John Trapp, a Ward Member for Bottisham:

'I regret that I cannot attend the Planning meeting on 7 October 2020.

I am glad that progress has been made on providing a fifth home for affordable housing on this site. ECDC does not have enough affordable housing provision and any addition is welcome. It is good to know that the Planning Department has been able to secure some kind of agreement with the developers, and I hope that it will positively help Swaffham Bulbeck CLT secure the fifth house for affordable housing.

My concern is the short timescale for completion of the sale. 50 working days is 10 weeks; when my son, a first-time buyer and with no need for a mortgage, was buying a house that was vacant and so there were no buying chains on either side, it took over 10 weeks (more than three months) to complete the sale - and with the possible additional delays caused by the current pandemic, a supposedly straightforward transaction may take longer than 50 working days.

I presume that the 50 (and I hope more) working days will start from the building completion of the fifth house so by that time, perhaps a year into the future, the Swaffham Bulbeck CLT will have raised the money or has identified sources of money, and the only constraint will be the time it takes to complete the purchase.

I also consider that the developer should give due notice (50 working days, perhaps) to Swaffham Bulbeck CLT as to when it will complete the building of the fifth house, so that the CLT can plan the assembly of the purchase money from whichever source it has planned. If it has to borrow money from a lender, then it needs to know the date from which the loan has to start. If there is any delay in the completion of the building then the developers should pay the interest on the loan for the period of the delay.'

The Chairman thanked the CLT, District Councillors and Officers for their work.

There being no further comments,

It was resolved:

To note the update report on application 19/01721/VARM

47. **PLANNING PERFORMANCE REPORT – AUGUST 2020**

Rebecca Saunt, Planning Manager, presented a report (reference V84, previously circulated) which outlined the performance of the Planning Department for August 2020.

The Department had received a total of 196 applications during August, which was equal to the number received during August 2019 and a 3.7% increase from July 2020 (189).

Officers were dealing with a higher than average number of cases. This was reflected in the numbers in terms of validations, open cases, determinations and the number of cases per team.

All the appeals decided in August 2020 were dismissed and the Planning Manager highlighted the appeal in relation to the Enforcement Notice in respect of 17 Oak Lane, Littleport. This had been a retrospective application for a children's gym; it had come to Committee and was refused permission. She had spoken to the applicants afterwards and advised them that they did not have permission; they believed they could carry out the works under permitted development and did not stop, so an Enforcement Notice was served. That was what was being appealed; the Planning Inspector dismissed the appeal and upheld the Notice.

The Planning Manager next drew Members' attention to the Enforcement section and table, which was now being included in the monthly report following a request from Councillor Brown. The cases were broken down according to code and gave a comparison between August 2019 and August 2020. She said that if Members wanted any additional information to be included in the future, they should let her know.

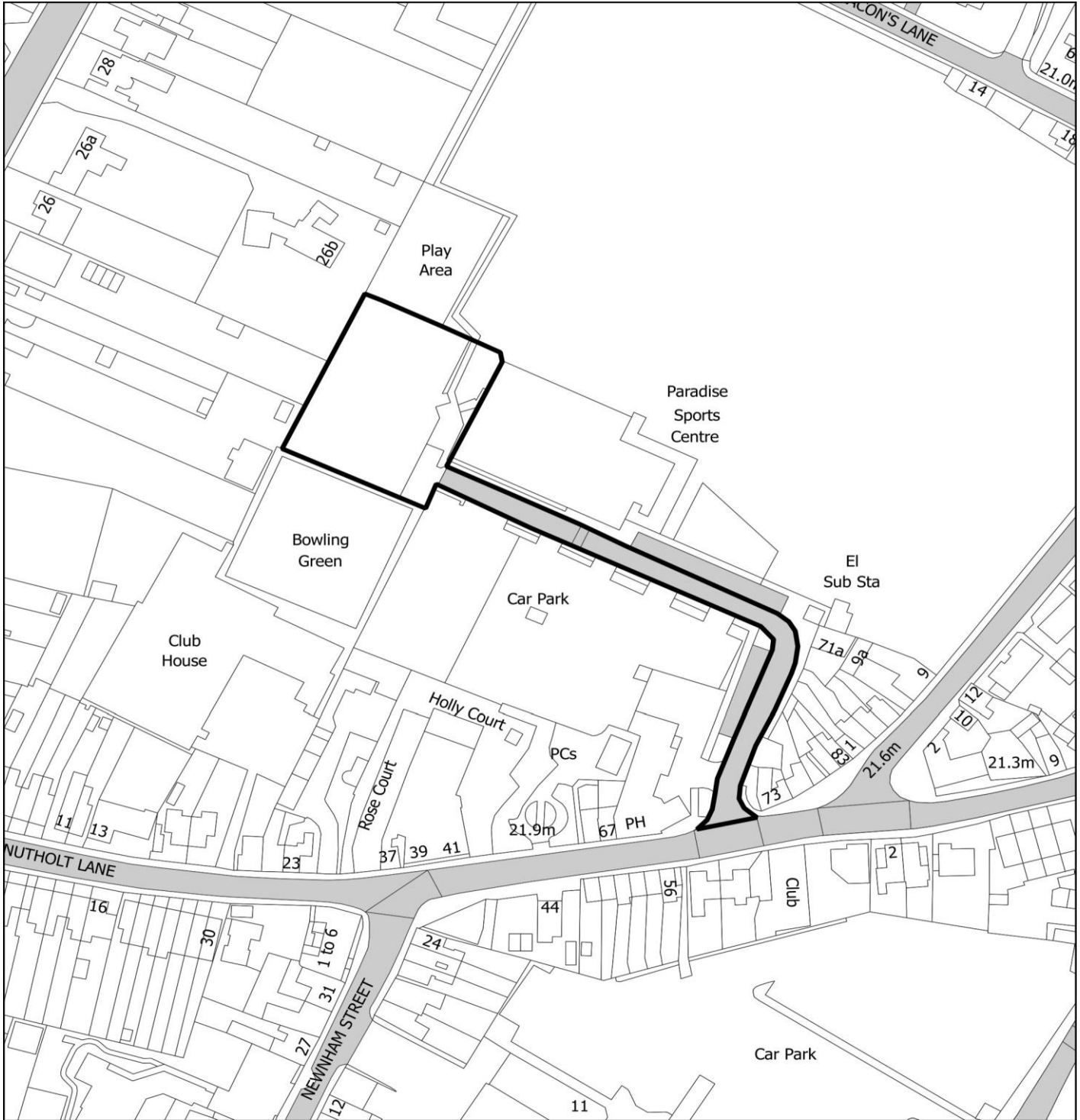
The Chairman concluded by saying that he was trying to conduct the Zoom meetings in the same manner as if Members were present in the Chamber. Therefore, if a Member's camera was turned off, they would be considered to not be in the meeting and he intended to continue with this policy.

The Legal Services Manager informed the Committee that the Judicial Review of the Witchford Neighbourhood Plan had been taking place today. The Judge had not handed down his judgement today, but had promised that it would be as soon as possible. Unfortunately there was no update for Witchford Parish Council at the moment. Whereupon,

It was resolved:

That the Planning Performance Report for August 2020 be noted.

The meeting closed at 3:19pm.



20/00730/FUM

Swimming Pool
Newnham Street
Ely



East Cambridgeshire
District Council

Date: 13/10/2020 Scale:1:1.50

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MAIN CASE

Reference No: 20/00730/FUM

Proposal: Erection of 13 dwellings and associated parking and landscaping

Site Address: Swimming Pool Newnham Street Ely Cambridgeshire CB7 4PQ

Applicant: East Cambs Trading Company Ltd

Case Officer: Anne James, Planning Consultant

Parish: Ely

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

Date Received: 11 June 2020 **Expiry Date:** 6th November 2020
[V92]

1.0 **RECOMMENDATION**

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

- 1 Approved Plans
- 2 Time Limit
- 3 Site Characterisation
- 4 Unsuspected contamination
- 5 Bird Breeding Season
- 6 Soft Landscaping
- 7 Hard Landscaping
- 8 Boundary treatment
- 9 Materials
- 10 Piling
- 11 Biodiversity enhancements
- 12 Details of bin and recycling storage
- 13 External lighting
- 14 Arboricultural Impact Assessment
- 15 Landscape management plan
- 16 Fire Hydrants

- 17 Travel Plan
- 18 Construction Hours
- 19 CEMP
- 20 Sustainability
- 21 Surface Water Strategy

2.0 SUMMARY OF APPLICATION

2.1 An application to construct 13 dwellings including 30% affordable housing (4 units) as well as parking and landscaping has been submitted.

2.2 The accommodation comprises:

Marked housing

- 2 x no1 bedroom dwellings
- 6 x no3 bedroom dwellings
- 1 x no5 bedroom dwellings

Affordable Housing

- 4 x no1 bedroom apartments

A total of 20 parking spaces are being proposed with 2 spaces proposed for the 3 and 5 bedroom houses and 1 parking space for each of the 1 bedroom units. Cycle storage is being provided within the curtilage of each unit.

2.3 The application is being considered by Committee as the applicants are the East Cambs Trading Company.

2.4 The application has been accompanied by the following suite of documents:

- Affordable Housing Statement
- Design and Access/Heritage Statement
- Preliminary Ecological Appraisal
- Phase I Geo-Environmental Desk Study
- Flood Risk Assessment and Drainage Strategy
- Transport statement Parking/Servicing Details
- Travel Plan
- Energy Strategy Statement
- Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement and Tree Protection Plan
- Utilities Statement

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

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site comprises an area of approximately 0.17 ha, (0.42 acres) of previously developed land, which has been levelled following demolition of a former swimming pool building. The site is located in close proximity to Ely City Centre and within the Ely Conservation Area. The site is bounded by the Paradise Sports Centre to the east, a bowling green attached to the City of Ely Bowls Club to the south, residential development to the west and a children's play area to the north. The Paradise playing fields lie to the north-east of the site beyond the play area and sports centre. There are a number of protected trees adjacent to the site.

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. In terms of publicity, the application was advertised in the Cambridge Evening News on 2nd July 2020 and a number of site notices were erected.

City of Ely Council - 24th August - Objects

Comments on amendments

The City of Ely Council strongly objects to the proposed plans and recommends refusal.

The amendments have been noted but the Council does not feel that its concerns have been addressed, therefore, the objections as previously listed below, remain.

10 July 2020

Strongly objects to the proposed plans and recommends refusal.

- recreational area adjacent to one of the precious green areas close to the centre of the City;
- Ely Masterplan of 2010 and in Policy Ely 3;
- mixed development in the area, and the opportunistic building of houses in the proposed location will limit that possibility in the future;
- the orientation of the development fails to provide a positive frontage to the Paradise Field, and it interdicts the existing footpath to the city centre via Paradise field, and seriously compromises any ambition to improve pedestrian links in this area;
- use of prefabricated materials and flat roofs is not in keeping with the eclectic mix of traditional styles in the locality;
- stand out as an isolated block thus adding to a general loss of amenity;
- piecemeal development not linked to a longer-term plan, and further master-planning is needed;

- too close to, and overbears, a children's play area owned by the City Council; will the 4 small, one bedroomed apartments be marketed as affordable;
- noise complaints from the surrounding recreational activities;
- development should protect and enhance the historic environment of Ely and this clearly does not;
- no gain to the City of Ely, and thus the City Council rejects the proposed development.

Ward Councillors - No Comments Received

Consultee for Other Wards In Parish - No Comments Received

Anglian Water – 25th June 2020 – No Objection

There are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

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

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

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

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval.

Cambridgeshire Wildlife Trust – No comments received.

CCC Design Out Crime Officers - No Comments Received

CCC Growth & Development – 15th July 2020

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

CCC Lead Local Flood Authority – 13th October 2020 - no objection

Comments on amended scheme –

We have reviewed the following documents:

- Flood Risk Assessment and Drainage Strategy, Palace Green Homes, Dated: March 2020.

Based on these and following discussions with the applicant, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development. The above documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving over the car parking area with attenuation provided beneath the subbase. Surface water will then connect into the existing Anglian Water foul sewer, as agreed in principle with Anglian Water at a rate of 2 l/s/ha.

13 July 2020 objects

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

- Discharge to surface water into a Foul Sewer
- FEH Rainfall Modelling Required

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

CCC Local Highways Authority – 13th October 2020 - no objection

Comments on amended scheme –beyond those made in correspondence dated 8th July 2020

While I note that swept path analysis detailed on drawing PARPOL.PGH-XX-XX-DRK0202 shows the body of a reversing vehicle overhanging the footway, I believe a lorry driver would avoid this by utilising the full width of the road. No further observations

8 July 2020 No objections

The site is located approximately 150m from the public highway at Newnham Street along a private road, as such the proposed development is unlikely to have any adverse effect on highway safety.

The Local Planning Authority must be satisfied with the parking provision for this site and that this will not result in any displacement of parking onto adjacent roads.

I note that no provision is made within the site for turning of service vehicles such as refuse lorries and fire tenders; the Local Planning Authority must be satisfied that such movements can be accommodated within adjacent land which would appear to be in the control of East Cambridgeshire District Council.

Ely Cycle Campaign - 26 August 2020

Ely Cycling Campaign still contends that the proposed cycle parking is inadequate. The applicant's Response to Comments proposes cycle storage based on the Brighton Two-Bike Classic Shed. Rather than shed, this design is better described as a cupboard. It requires cycles be lifted into the storage compartment.

The applicant's comments do not address the need to accommodate larger cycles. We reference Local Transport Note 1/20 paragraph 11.3.2, which states that a proportion of cycle parking (typically 5%) be provided for non-standard cycles to accommodate people with mobility impairments - a legal requirement. In addition, we remind the applicant that cargo bikes, in particular, electrically-powered cargo bikes, are becoming more common. They are now seen in Ely. The site of the proposed development is ideally placed for the use of cargo bikes.

The applicant's Comments document claims that the cars [sic] maneuvering within the site would be residents only very aware of any risk. All the evidence points in the other direction.

Paragraph 7.8.2 of the Local Plan requires that the planning and design process ensure access to a site is safe and convenient, and the needs of all users, including pedestrians, cyclists, bus and rail passengers, people with disabilities and occupants of vehicles, are taken into account. This should include provision of routes for walking and cycling in order to encourage sustainable forms of movement as an alternative to the car; Policy COM 7 item b) requires proposals give priority to walking and cycling.

The applicant has not responded to our suggestion that charging points be installed for electric-powered vehicles - motor vehicles and cargo bikes. The applicant needs to reconsider installing charging points for vehicles.

ECDC Conservation Officer - 13 July 2020 - No objection

Any development in this location faces the challenge of mediating between buildings as varied as the industrial scale leisure centre and bowls club and the interwar villas on Lynn Rd and effectively must establish its own context. The use of views of the cathedral as a design generator has logic and the division into two north-south ranges avoids imposing in views from the due north. The western terrace clearly owes something to dense urban developments such as Accordia in Cambridge, and its flat roofed form is argued on the basis of maintaining a low profile relative to the Lynn Rd housing and to ease modular prefabricated construction. The design of units 8-11, the more conventional 2½ storey block, rather undermines this logic though.

Perhaps more importantly though it dilutes a scheme which depends on uniformity for its architectural effect. However the scheme is not over-dominant and in the absence of any strong defining context, it complies with the general objectives of Historic England's Advice Note 2 'Making Changes to Heritage Assets' and has no adverse heritage impacts.

ECDC - Environmental Health (Scientific Officer) - 13 July 2020

I have read the Phase I Geo-Environmental Desk Study report dated 14th February 2020 prepared by EPS and accept the findings. The report recommends that a Phase II investigation is carried out to confirm the quality of shallow soils.

ECDC Environmental Health - 23 June 2020

No objection - subject to conditions restricting construction times and deliveries as well as a Construction Environmental Management Plan (CEMP), and no piling without prior approval.

East Cambs Technical Officer Access – 9th August

All development should comply with Part M of the Building Regs
No gardens and no space allowed for green bins
Conflict between cars in the car port and pedestrians, right of way
No accessible parking spaces
Where is the turning head for refuse vehicles
Some units have no accessible toilets
Scaffolding may project on to the public footpath
Street lighting would be useful
Pedestrian access is unclear
Will the play space remain open during construction.

If application is approved request a number of conditions regarding level footpath, safe walking route; provision of waste and recycling as well as no restrictions being placed on nearby sports centre.

2nd July - objection

This site is not in a residential area; it is in the city centre set aside for recreation, sport and leisure. It is positioned in a community facility containing a playing field with cricket pitch and practice nets, indoor sports centre with an outdoor viewing balcony and indoor panoramic windows overlooking the playing field, a children's playground, a basket-ball court and a car park to accommodate those patrons who arrive by car.

For a council to sell off small parcels of this community facility for other development would set a precedent that might eventually lead to the loss of this area for sport, leisure and recreation. Access to this valued facility should not be allowed to be placed in jeopardy, to the detailed plans:

The proposed design of this application seems to take no account of how it will be used and the problems that will arise:

Development would produce:

- Loss of amenity space – it could be used for leisure facility eg splash pad or skate park
- Conflict between residents and users of the leisure facilities over access to the playground and sports field, as well as noise.

- Danger to pedestrians using the present footpath
- Difficulties for deliveries and carrying waste to the bin store.
- Clutter and mess as there is no provision for storage for the houses eg shed space or garage
- The four 'cart house units' are required to access their parking facility by driving along a footpath. If the proposal includes turning the footpath into a road, is there sufficient room to enter/reverse into the parking spaces and provide a path compliant with the British Standards
- The WC under the stairs adjacent to a dining area, in one design does not seem an appropriate location for comfort and ease of the occupants
- Cycle storage insufficient

The fact that the Council is effectively being asked to give their own Trading Company planning permission is an unhealthy situation particularly when the applicant is lax about complying with the permission. It also places employees of the council in an invidious position, particularly in a time of cut backs when some members of the Council publically enthuse about the Trading Company.

ECDC Parks And Open Space - No Comments Received

ECDC Housing Section - 29 June 2020 – No objection

The Strategic Housing Team supports the above application in principle, as it will meet Policy HOU 3 of East Cambridgeshire Local Plan 2015 to deliver over 30% affordable housing on site. (13 dwellings will deliver 4 affordable dwellings)

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

Based on the latest housing needs evidence from East Cambridgeshire's Housing Register, the Strategic Housing Team can confirm that it supports the affordable housing mix proposed on site of four, one bedroom homes.

ECDC Waste Strategy (ECDC) – 30 September 2020 – No objection

Comments on amendments

Thank you for the swept path analysis, this is acceptable to the waste team.

27 August 2020

None of the additional drawings provided show any vehicle tracking for waste vehicles, therefore our original concerns regarding turning to access the site remain.

Plan P02 Rev F provides space for 3 x 1100ltr bins, of which one is allocated to green waste, this would not be workable as green waste is significantly heavier, therefore we would look to provide 3-4 240ltr green bins and would like confirmation that these will fit within the bin store.

We would also request that any bin store be brick built with a solid roof to avoid cats, vermin and birds gaining access to waste, access doors should be coded to avoid unwanted access. Also wheeled bins are not currently provided for general waste as part of the waste service, drop-front bins are available however these would need to be purchased separately via the waste service.

9 July 2020

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

Based on the site location plan there does not appear to be a suitable location for a waste freighter to turn round? Can the agents advise if this is not the case and provide a turning diagram at the location? The waste team would also request confirmation that the road leading past the swimming pool is built to adopted standards and a signed indemnity from the owner of the road and the site is provided.

ECDC Trees Team – 27th August 2020 – no objection

There appears to be a mature tree on the on the eastern corner just outside the red line boundary.

While the area close to the tree is compromised the extent of the potential constraint of this tree on the proposed development needs to be determined to identify if any mitigation is required.

Advise that a BS 5837 2012 arb impact assessment is carried out and if required a method statement.

23rd July 2020 No Objections providing all details within the report are adhered to.

With ref to the above planning application – the Haydens arb reports identifies minimal impact upon the trees and the adoption of a ‘no-dig’ foundation where encroachment into the RPAs occurs is industry standard.

Cadent Gas Ltd - No Comments Received

Previous comments on demolished building in 2018 - Cadent 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.

- 5.2 Neighbours – 75 neighbouring properties were notified and 11 responses were received are summarised below. A full copy of the responses are available on the Council's website.

Visual Amenity

Affects streetscene
Form and character
Landscape impact
Views of the Cathedral
Flat roofs/brutalist architecture/prison
Overdevelopment of the site
Eyesore
Slum of the future

Residential amenity

Loss of privacy and overlooking
Noise
Noise nuisance from Sports Centre

Highway and Pedestrian Safety

Parking and turning
Affects a right of access
Affects a right of way
Conflict with cars accessing the site and pedestrians/young children using the footpath
Cycle parking inadequate
Vehicles and pedestrians need to be segregated
Electric charging points required
Parking of construction vehicles
Reduction in long term parking hours in Paradise Public car park
Will access be required on to Deacons Lane
Occupiers of flats need to cross Sports Centre fire exit to access garage
Traffic congestion

Natural Environment

Impact on trees
Landscape

Other

Have clubs and sports field users been included in the consultation;
What is the reduction on the land currently used for recreation, compared with the total area in current use;
Would a safety audit be required on the access route;

Will the access route be closed off to the general public;
 Who will have responsibility for the access route in the long term;
 Low cost housing insufficient justification for the loss of community facility;
 Council are custodian of the assets of the town and yet building anything, anywhere;
 Council has lost its sense of direction not acting in the best interests of the whole population;
 Should be developed to improve the wellbeing and mental health of residents;
 A water feature or more sports facilities more suitable than housing;

City of Ely Bowls Club – 27th August 2020

Objects on the grounds of Club security as the development is likely to contain an element of social housing which statistically generally increases the likelihood of anti-social behavior.

Parking at the Paradise Car Park is already a major problem, the new development will exacerbate this.

Recreational area in Ely are limited already. The land would be put to far better use by improving the livelihoods of people that already live in the city. A kiddie's wet play park

6.0 The Planning Policy Context

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 14	Sites of archaeological interest
COM 3	Retaining community facilities
COM 7	Transport impact
COM 8	Parking provision
ELY 3	A Vision for Paradise Area

6.1 *Supplementary Planning Documents*

Developer Contributions and Planning Obligations
 Design Guide
 Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated

Flood and Water
Ely Conservation Area
Natural Environment

6.2 *National Planning Policy Framework 2019*

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed place
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

6.3 *Technical Guidance to the National Planning Policy Framework*

Due regard has been taken of guidance in the NPPG and of the National Design Standards

7.0 PLANNING COMMENTS

7.1 The key considerations in the determination of this application are:

Principle of Development;
Residential amenity;
Visual amenity of Ely Conservation Area;
Access and highway safety;
Flood Risk and Drainage;
Biodiversity and Ecology;
Other Matters;

7.2 Principle of Development

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

7.2.2 The Council's latest Five Year Land Supply Report of April 2020 concludes that the Council can demonstrate 6.61 years' worth of supply of deliverable homes, over the next five years. However, that position was the subject of detailed scrutiny as part of

a recent appeal in Witchford, appeal reference APP/V0510/W/20/3245551. Whilst not absolutely determinative as to what the true supply figure is, the Inspector concluded that, whilst the figure of 6.61 years was not appropriate, the Council could nevertheless demonstrate in excess of five years' worth, with the Inspector indicating that a figure of 5.60 years' worth was probably a truer reflection of supply. For decision making, it is somewhat academic the degree over 5 years the actual figure is. Accordingly, the Council will continue (as it has since 21 April 2020) to determine planning applications on the basis that the Council can demonstrate a five year land supply. As such, the NPPF 'tilted balance' of para 11(d) is not triggered on the basis of land supply. It is anticipated that the Council will publish an updated Five Year Land Supply Report shortly. Such a publication will both: roll forward the base date from 2019 to 2020; and be made consistent with the principles established by the aforementioned appeal decision. The strong expectation of the Council is that the updated Report, to be published shortly, will continue to demonstrate a healthy supply of deliverable homes well in excess of five years' worth.

7.2.3 The application site forms part of the Paradise leisure facilities where the swimming pool stood and is covered by policy ELY3 of the adopted Local Plan 2015. It is acknowledged that ownership of the area is complex with the car park and Paradise Pool being owned by the District Council. The Paradise Sports Centre and Paradise Fields are also owned by the Council but subject to a lease to the Sports Trust until 2085. The Bowls Club is privately owned and is in active use and therefore it is not clear when they would become available for development. It is unlikely that the area covered in Policy ELY3 can realistically be comprehensively redeveloped as a housing led/mixed use allocation within the period covered by the current adopted Local Plan 2015 due to the foregoing constraints. The Local Plan acknowledges that the delivery timescales for parts of the allocation site are under third party control and are therefore uncertain and that the policy therefore provides a vision for the area and sets out key principles which redevelopment schemes for all or part of the area will need to accord with.

7.2.4 For members' information the wording of Policy ELY3 is as follows:

Policy ELY 3: A Vision for Paradise area

The Paradise area will be redeveloped as a mixed-use scheme, providing residential uses, car parking and community uses as appropriate. The development will enhance Ely Conservation Area and be sympathetic to the setting, appearance and character of the historic setting including incorporating views of the cathedral. New pedestrian links to the city centre will be provided and a new vehicular access will be provided from Deacon's Lane if feasible. Multi-storey car parking will be provided to support the city centre. The total area of Paradise Field will be retained and development will create a positive frontage to this important open space.

7.2.5 The only area within the ELY3 allocation available for re-development at this time would be the Newnham Street car park and the swimming pool site. With the swimming pool demolished and ready for development, it would not be against Policy ELY3 to consider this area of the allocation as the housing phase, leaving the Newnham Street Car Park and Sports Centre retained in community/mixed use. On

this basis the scheme would not form a departure from the development plan. It is also considered that the proposal would not compromise the ability of other parts of the allocation from coming forward in the future and be compatible with non-residential uses

- 7.2.6 Permission to demolish the Paradise Pool was granted in 2018 and a new swimming pool established at The Hive. This provides a state of the art leisure facility with complementary community facilities. The old swimming pool building was of no architectural, historic or visual significance, and did not make a significant positive contribution to the character and setting of Ely Conservation Area.
- 7.2.7 The Ely Conservation Area SPD makes reference to the Paradise (playing fields), sports centre and swimming pool and states that there are significant trees, views of Ely Cathedral and a large expanse of grass giving the area an open and natural feel. The scale of the scheme, when framed in context with the surrounding built environment, is considered to be subservient in nature and whereas before the Swimming Pool obscured views of the Cathedral, the layout and building line of the new development opens up a new vista, enhancing and preserving the special character of the Ely Conservation Area.
- 7.2.8 The bulk and massing of the new development would ensure that the residential amenity of existing residents would not be compromised by issues of overlooking or visual intrusion, and for new residents a good mix of accommodation set within an attractive housing layout has been created. The scheme would also provide 30% affordable housing equating to 4 units. The modern building design would ensure that the housing would deliver CO2 reductions as well as deliver energy efficiency.
- 7.2.9 The proposal would utilise the existing site entrance with adequate car parking and cycle storage, given the sustainable nature of the location.
- 7.2.10 The proposal is therefore considered to be acceptable in principle.

7.3 Residential Amenity

- 7.3.1 The NPPF seeks to ensure that a good standard of amenity for all existing and future occupants of land and buildings. Policy ENV2 of the Local Plan requires development to respect the residential amenity of existing and future occupiers.
- 7.3.2 In terms of the impact on existing occupiers is concerned, the rear gardens of a number of dwellings on Lynn Road adjoin the western boundary and these properties benefit from a generous rear garden depth, although No 26B Lynn Road itself sits within close proximity to the boundary. Unit 1 which is a three storey dwelling and Units 2-7 which are two storey, form a row of terraced dwellings with an element of rear garden amenity space abutting the western boundary. This amenity area varies in depth with the rear wall of the terraced dwellings and the rear boundary wall of the dwellings along Lynn Road ranging between 6m (19.7') to the rear of Unit 1 down to 4.4m (14') to the rear of Unit 7. The two storey dwellings have flat roofs (approximately 5.3m or 17' high) with roof lights on the rear roof plane which have been designed at a 45 degree angle to avoid any overlooking and loss of privacy from these windows. Whilst it is noted that the separation distances to the rear boundary is under the recommended 10 metre set back distance in the Design

Guide, due to the city centre location, design of the dwellings and the generous depth of gardens of the Lynn Road properties, which easily enable the recommended minimum 20 metre separation distance between rear inter-visible windows, it is considered acceptable. Also bearing in mind the swimming pool building which has now been demolished was higher than the proposed dwellings, then the proposal would result in a reduction in the scale, bulk and massing of built form along this western boundary. The scheme has ensured there is a satisfactory level of privacy for all occupiers and that the buildings do not appear overbearing or result in a significant loss of light. The pattern of fenestration has been contrived to avoid any overlooking or loss of privacy. Unit 1, a 3 storey 5no bed dwelling (approximately 7.8m or 25' high) also shares the same orientation as Units 2-7, however, this unit abuts the Bowls Club and is sufficiently distant from properties in Lynn Road to not result in overshadowing, loss privacy or outlook.

- 7.3.3 It is inevitable that the construction works would cause some noise and disruption as well as creating dust and other potential air pollutants. However, much of the construction of the buildings would be done off-site incorporating modular components which can be assembled on site speedily and would reduce noise and general disturbance to residents and users of the facilities alike.
- 7.3.4 The Environmental Health Department have requested that a Construction Environmental Management Plan is submitted by condition and this would make provision for the control of dust, noise and vibration. The works would be temporary in nature and it is recommended that hours of work are controlled by condition to minimise the impact on nearby residents. On this basis it is considered that the proposal complies with Policies ENV2 and ENV9 of the Local Plan 2015 in relation to residential amenity and pollution.
- 7.3.5 In terms of the living environment created for future occupiers of the site, the layout of the site has been led by the need to retain open views of the Cathedral. This has led to the design of a number of the units opposing each other across a pedestrianised courtyard. It is acknowledged that the design guidance cannot be fully met on the site due to its constrained nature. However, an innovative range of design criteria have been implemented by means of strategically located windows to maximise sunlight/daylight penetration and to avoid any direct overlooking or loss of privacy occurs. The courtyard also creates a community garden with outside seating, meandering footpaths to encourage cohesion and a sense of place.
- 7.3.6 Whilst the level of private amenity space in a number of the units is below the Council's adopted standards, there is a communal courtyard of approximately 200sqm (2152 sqf). In addition, the recreation ground abuts the site to the north and the site is located within the centre of Ely which is a walkable neighbourhood and where the river, shops and places of interest are all within 15 minutes' walk from the site. There are also a number of amenity spaces within walking distance to the site. Issues have been identified in the letters of representation that noise and general disturbance emanating from the playground and sports centre might affect the amenities of the new residents. However, the design rationale locates only the kitchen area, bathroom and stairway windows on the east facing elevations overlooking the Sports Centre and the north elevation, towards the play area, have also been limited. Moreover, any future occupier of the dwellings would be aware of the location of the site within a well-loved and pre-existing community facility and

would be likely to value the attraction of living within the city centre and all that it provides. In this respect it is considered the scheme provides an acceptable standard of living for future occupiers of the site.

7.3.7 The proposal would therefore comply with Policy ENV2 of the adopted Local Plan 2015.

7.4 Visual Amenity and special character of Ely Conservation Area

7.4.1 Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Policy ENV11 of the adopted Local Plan 2015 seeks to ensure that development proposals preserve or enhance the character or appearance of conservation areas.

7.4.2 The application site is located within the Ely Conservation Area and there are no Listed Buildings within the vicinity of the site. According to the Ely Conservation Area SPD, the Paradise, Leisure Centre and Swimming Pool is described as benefitting from significant trees, views of the Cathedral and a large expanse of grass giving the area an open and natural feel that should be retained.

7.4.3 Policy HOU2 of the adopted Local Plan 2015 requires the appropriate density of a scheme to be judged on a site-by-site basis taking account of the existing character of the locality and the settlement and housing densities within the surrounding area, the need to make efficient use of land; the biodiversity of the site; the need to accommodate open space and parking; the level of accessibility and the impact on residential amenity of both existing and future residents. The scheme provides a mix of 1, 3 and 5no bedroom housing, with 4 no1 bed affordable apartments.

7.4.4 The proposal has been designed to provide views through the site when viewed from the public open space in Deacons Lane of the Cathedral beyond and therefore opens up a key view that was previously obscured by the old swimming pool building. The scheme presents two linear rows of dwellings opposing each other across a communal area of landscaped open space, the height and depth of the buildings have been kept low as a consequence. The two storey buildings are 5.3m (17') in height x 5m (16') wide x 7m (22') depth and the 3 storey buildings are approximately 7.9m (25') high x 6m (19.5) wide x 10m (32') depth. The density of development is reflected in the character of housing to the north of the site towards the city centre, it is therefore in keeping with the character of this part of Ely.

7.4.5 The materials to be used on the development have been provided in part. The use of weathered buff brick, timber and plaster cladding on the elevations and grey slate on the roofing is proposed, however, as the development is located in the Ely Conservation Area further information would be required on the specific type of materials and would include the type of brick, colour of timber cladding and render. Indicative visuals of the facades have been submitted as part of the application and these demonstrate a light pallet of colours and materials that would ameliorate with the existing community building and would not detract from views of the Cathedral.

7.4.6 Historic England's 2016 Advice Note 2 'Making Changes to Heritage Assets' states:

'The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas...are proportion, height, massing, bulk, use of materials...relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of [development] that might be appropriate' (para 41). As is evidenced within the report, the swimming pool building obscured views through to the Cathedral and in order to be policy compliant, any new development of this site would need to take this into consideration. Historic England also advise that replicating a particular style may be less important. As such, the proposed development is of contemporary design and would not necessarily replicate or otherwise dominate the character of this part of the conservation area here, and the historic assets located within it.

7.4.75 The Conservation Officer has raised no objection to the scheme commenting that 'any development in this location faces the challenge of mediating between buildings as varied as the industrial scale leisure centre and bowls club and the interwar villas on Lynn Rd and effectively must establish its own context. The use of views of the cathedral as a design generator has logic and the division into two north-south ranges avoids imposing in views from the due north. The western terrace clearly owes something to dense urban developments such as Accordia in Cambridge, and its flat roofed form is argued on the basis of maintaining a low profile relative to the Lynn Rd housing and to ease modular prefabricated construction. The design of units 8-11, the more conventional 2½ storey block, rather undermines this logic though. Perhaps more importantly though it dilutes a scheme which depends on uniformity for its architectural effect. However, the scheme is not over-dominant and in the absence of any strong defining context, it complies with the general objectives of Advice Note 2 and has no adverse heritage impacts'. It is therefore considered the scheme works well within the parameters of the site, and does not detract from the central views or likewise dominate the area. The proposal would therefore make a neutral contribution to the visual amenities of the area.

7.4.8 In considering the characterisation of the heritage impact as less than substantial harm and given the proposal provides a number of community benefits in terms of housing (including 4 affordable housing units), and, its positive contribution to local character and distinctiveness by restoring the public viewpoints of the Cathedral, both of which are considered to be public benefits, the scheme is supported in principle and complies with Policies ENV2 and ENV11 of the adopted Local Plan and the NPPF.

7.5 Highways

7.5.1 Policy COM7 of the Local Plan is consistent with the NPPF and also requires development to be designed in order to provide safe and convenient access to the highway network; reduce the need to travel, particularly by car, and should promote sustainable forms of transport appropriate to its particular location.

- 7.5.2 Policy ELY 3 promotes the site to incorporate new pedestrian links to the city centre and if feasible a new vehicular access from Deacons Lane. A multi storey car park would also be provided to support the city centre. However, as only a small part of the overall site which is being considered as the housing element of the allocation is being considered, then the existing entrance from Newnham Street would still be used for the new scheme.
- 7.5.3 Policy COM8 of the adopted Local Plan indicates that two car parking spaces per dwelling should be provided together with up to one visitor car space per four units. The application has been accompanied by a Transport Statement [Paul Basham Associates dated March 2020] which has presented the findings of a number of parking surveys which have identified parking demand within Newnham Street Car Park and how that demand arises throughout the day and by which source. The existing car park operates 24 hours a day with restrictions operating Monday to Saturday. Free short stay parking is available for up to 3 hours on Monday-Saturday (131 space) with free long stay parking operating Monday-Saturday (46) and permitted to park up to 23 hours. There are 5 disabled spaces. The average parking occupancy across the entire survey period was 130 spaces, which equates to 73% of the available spaces being full. The average occupancy is therefore higher than recorded in the school holiday period with parking demand more acute on Saturday.
- 7.5.4 According to the information submitted the proposed development would provide 20 car parking spaces and 26 cycle spaces. The applicants have also provided a Travel Plan [Paul Basham Associates dated March 2020] which is a strategy for managing travel demand to a development site by addressing the travel need of its users, reducing the impact of car travel by promoting and facilitating the use of sustainable modes of transport, encouraging a reduced need to travel and increasing sustainable travel practices where appropriate.
- 7.5.5 Whilst it is acknowledged there would be a slight deficit in the provision on on-site parking, the application site is within walking distance to a variety of modes of sustainable transport and provided the travel plan is updated regularly, then all new residents would be provided with a choice of transport options. The majority of shops and employment opportunities are within walking distance of the site and as such it is considered the scheme would provide safe and convenient access to the highway network and reduce the need to travel by car. It is therefore not considered that the new scheme would place undue pressure on the operation of the existing car park in Newnham Street.
- 7.5.6 Concerns have been raised in the letters of representation concerning a number of the parking spaces serving the under-croft parking spaces which lie adjacent to the footpath connecting the site with Deacons Lane and Newnham Street. As this is a path used by the public, opposed to a Public Right of Way, the footpath, which falls within the red line is proposed to be incorporated within a shared use area in common with other areas within the city centre and is a typical highways standard. The applicants are very conscious that the footpath is used as a link to and from the city centre and have indicated that due to the construction of the modular units being undertaken off site, works affecting the footpath would be kept to a minimum. It is however acknowledged that the footpath may be closed during part of the construction process in the interests of health and safety and that details of an

alternative re-routing of this footpath would be provided as part of the Construction Environmental Management Plan and members of the public notified of any change.

- 7.5.7 No objections have been raised by the Highway Authority concerning access into the site or highway safety. An acceptable swept path analysis has been provided to the satisfaction of the Council's Waste Department who are no longer objecting to the accessibility of the site for waste and recycling purposes. It has therefore been demonstrated that vehicles serving the site are able to access and egress the area in a forward gear.
- 7.5.8 It is considered the proposal complies with Policies COM7 and COM8 of the adopted Local Plan 2015.

7.6 Ecology

- 7.6.1 Policy ENV7 of the adopted Local Plan seeks to protect biodiversity and geological value of land and buildings and requires that through development management processes, management procedures and other positive initiatives, the council will among other criteria, promote the creation of an effective, functioning ecological network.
- 7.6.2 Para 175 of the NPPF is also relevant and highlights the importance of biodiversity and habitats when determining planning applications. In July 2019 the Government confirmed their intention to make biodiversity net gain mandatory in England for all development. The emerging 'standard' by which environmental gain is calculated is the DEFRA Biodiversity Metric 2.0 test.
- 7.6.3 During the course of assessing the application the Council have adopted a Natural Environment Supplementary Planning Document and this provides guidance for new development to protect and encourage the biodiversity and ecology interests on site. A Preliminary Ecological Appraisal [Greenlight dated 2nd March 2020] accompanied the application and this appraisal notes that there is one statutory protected site and four non-statutory protected sites located within 2km of the site, namely Ely Pits & Meadows SSSI, and Ely Cemetery County Wildlife Site. Due to the small scale nature of the site and its distance to the protected sites, the proposed development is not expected to have any effects on the statutory or non-statutory protected sites or their qualifying features.
- 7.6.4 It should be acknowledged that the whole of this site was occupied by a very large building and is currently denuded. The proposed works are therefore not expected to result in any loss of potential roosting, foraging and commuting habitats for bats or any loss of bird nesting habitat, however, should any works upon the adjacent hedgerow and tree habitat be proposed some low scale loss of bird nesting habitat would occur.
- 7.6.5 Habitats located within the proposed area of works are considered unsuitable to support any great crested newts. However, by way of precautionary mitigation, any destruction of hedgerow habitat would require a suitably qualified ecologist to search the area prior to any clearance.

- 7.6.6 The surrounding habitat of the site is also considered suitable for hedgehogs which have been recorded within 2km of the site. General mitigation is proposed to protect wildlife during the construction periods and suitable landscaping mitigation to provide access for hedgehogs.
- 7.6.7 Bearing in mind the previous building covered the whole site, there was no scope for biodiversity enhancements. The new scheme proposes a number of rear garden areas along the western boundary as well as a central landscaped community courtyard space as well as balconies. A robust landscaping scheme would be required to provide suitable habitats for encouraging insects, birds and other mammals to visit the area for foraging and breeding opportunities. Bird boxes as well as hedgehog highways would also enhance the natural environment. As such it is considered the scheme would result in a net environmental gain.
- 7.6.8 The Council have recently adopted a Natural Environment SPD and all development proposals would be expected to provide environmental enhancements proportionate to the scale and degree of the development proposed. The proposal would provide a landscaping scheme using native species of trees, shrubs and other plants with a view to it benefitting birds, bats, mammals and invertebrates. A management and maintenance plan would also be secured by condition to protect the natural environment. As such the scheme would comply with the new SPD.
- 7.6.9 An Arboricultural Impact Assessment/ Method Statement and Tree Protection Plan [Hayden's dated February 2020] has been submitted with the application and indicates that no tree works would be required in order to achieve the proposed layout. An area of proposed hard surface encroaches within the root protection area of two trees which are to be retained but given the use of modern *no dig* construction techniques this is not considered to be a substantial issue. The Council's Tree Officer has considered the submitted information with the application and whilst has raised no objection to the scheme consider the Arboricultural Impact Assessment would need to be amended to incorporate a number of trees abutting the site that may be affected by the proposed development. The Tree Officer advises that BS 5837 2012 Arboricultural Impact Assessment is carried out and if required a method statement.
- 7.6.10 In view of the enhancements proposed it is considered that the scheme would comply with Policy ENV7 of the adopted Local Plan 2015 and the Natural Environment SPD.

7.7 Flood Risk and Drainage

- 7.7.1 Policy ENV8 of the adopted Local Plan 2015 states that all development should contribute to an overall flood risk reduction. The application has been accompanied by a Flood Risk Assessment [Palace Green Homes dated March 2020]. The site is located wholly in Flood Zone 1, which is where residential development should be located, and has been assessed as being at very low risk of flooding.
- 7.7.2 In terms of the disposal of surface water the scheme proposes to make use of the car parking area for surface water attenuation. Runoff will enter the sub-base direct or via piped gravity connections from all rainwater downpipes. Anglian Water have

no assets affected by the development and foul drainage from this development would be in the catchment of Ely Water Recycling Centre that would have available capacity for these flows. With regard to foul water disposal, the proposal would use the original connection to the mains sewer.

- 7.7.3 The surface water strategy/flood risk assessment submitted with the planning application is also acceptable by both the Local Lead Flood Authority and Anglian Water.
- 7.7.4 The proposal would contribute to an overall flood risk reduction and is considered to comply with Policy ENV8 of the adopted Local Plan.

7.8 Other Material Matters

- 7.8.1 All applications for residential use are considered particularly sensitive to the presence of contamination. It is therefore considered reasonable that conditions are appended to the grant of planning permission requiring a contamination assessment to be agreed by the Local Planning Authority prior to commencement of development and with regards to unexpected contamination and remediation measures if required. Subject to the relevant conditions being appended, the proposal accords with Policy ENV9 of the Local Plan 2015.
- 7.8.2 There would be a requirement to provide satisfactory management of the site concerning waste awareness, storage and collection.
- 7.8.3 All new development would also be expected to aim for reduced or zero carbon development in accordance with the zero carbon hierarchy Policies ENV4 of the adopted Local Plan 2015 refers. An Energy Statement has been submitted with the scheme and concludes that the scheme equates to a carbon reduction of 19% which can be achieved through air source heat pumps and improved fabric efficiency measures.
- 7.8.4 Policy HOU3 requires that an appropriate provision for affordable housing is achieved. In this scheme four of the apartments are to be discounted market sales homes, which is one of the defined forms of affordable housing set in the NPPF 2019. This is a new initiative that will provide a new form of affordable housing to help meet the housing needs of the District. The scheme would provide 4 one bedroom homes for the sale price of £100,000 and this would be secured through a S106 Agreement which stays with the dwellings and therefore each successive purchaser would also be someone who would qualify for a £100k home. There would be a set of criteria by which each prospective purchaser would need to fulfil and these would be set by the Combined Authority aimed at helping people to buy houses close to where they work and in communities where they may have strong connections. The scheme would meet the requirements of Policy HOU3 of the adopted Local Plan.
- 7.8.5 The Strategic Housing Team supports the above application in principle, as it will meet Policy HOU 3 of East Cambridgeshire Local Plan 2015 to deliver 30% affordable housing on site. Based on the latest housing needs evidence from East Cambridgeshire's Housing Register, the Strategic Housing Team have confirmed that the affordable housing mix proposed on site of four, one bedroom homes would

be acceptable. Whilst developers will be encouraged, to bring forward proposals which will secure the affordable housing tenure as recommended by the most up to date SHMA at 77% rented and 23% intermediate housing, this new concept of £100k homes brings a new concept to provide affordable homes at prices that most first time buyers can afford.

Accessibility

- 7.8.6 In terms of accessibility, all development would need to meet with Part M of the Building Regulations and advice received from the Council's Building Control department on this application, has necessitated some minor amendments to the internal arrangement on the affordable units, whereby an accessible w/c has been provided on the first floor. It is considered that the scheme meets with the requirements of Policy HOU 3 which requires a proportion of the 4 affordable dwellings to be provided on site to be suitable or easily adaptable for occupation by the elderly or people with disabilities.
- 7.8.7 Concerns have also been raised that the scheme lacks any electric charging points. In this respect the Government are currently proposing electric vehicle charge-point smart technology in all new development, however, there is no legal requirement for development to provide electric charging points, although this would be desirable for a development of this size and location within city of Ely.

Conclusion

- 7.8.8 This application has been evaluated against the extant Development Plan which is the starting point for all decision making. The Development Plan comprises the East Cambridgeshire Local Plan 2015 and the report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development.
- 7.8.9 The scheme accords with both national and local planning policy and is considered to represent sustainable development.

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 appellants 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:

No adverse impact on the visual amenities of the Ely Conservation Area
No adverse impact on residential amenities
Meets both national and local planning policy requirements
No objections from statutory consultees

9.0 APPENDICES

9.1 Appendix one - Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
20/00730/FUM	Anne James Room No. 011 The Grange Ely	Anne James Planning Consultant 01353 665555 anne.james@eastc amb.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX ONE

CONDITIONS

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

Plan Reference	Version No	Date Received
Topographical Survey - 21191ea-01		19th June 2020
P 06	E	10th August 2020
P 08	F	10th August 2020
P 11	F	10th August 2020
Response to comments		10th August 2020
Brighton Bike Shed		10th August 2020
P02	G	
P10	G	
Arboricultural Report		11th June 2020
Preliminary Ecological Appraisal 1.0		11th June 2020
Design, Access and Heritage Statement		11th June 2020
Flood Risk Assessment and Drainage Strategy		11th June 2020
Phase I Geo-Environmental Desk Study Issue 1		11th June 2020
P 03	E	21 st October 2020
P 04	D	11th June 2020
P 20	C	11th June 2020
P 05	E	11th June 2020
P 07	F	21 st October 2020
Planning Statement		11th June 2020
Energy Strategy Statement		11th June 2020
P 01	A	19th June 2020
Transport Statement 3		11th June 2020
Full Travel Plan 3		11th June 2020
Utility Search 1		11th June 2020

2 The development hereby permitted shall be commenced within 2 years of the date of this permission.

2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as Amended.

3 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
- (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

4 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 Any tree or shrub removal shall be undertaken outside of the bird breeding season of 1st March to 31st August in any calendar year. If clearance works must occur within bird breeding season then any vegetation targeted for clearance must first be surveyed by an ornithologist and clearance works would only be permissible if the survey reveals no active bird's nests within the relevant vegetation.

5 Reason: To protect species and sites of nature conservation, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

6 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 five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

6 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.

7 No above ground construction shall commence until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include all shared surface areas, footpaths, parking areas and patios. 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.

7 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 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 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to occupation and retained in perpetuity.

8 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.

9 No above ground construction shall take place on site until details of the materials to be used on the elevations, roof, windows, doors and balconies on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

9 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.

10 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.

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

11 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.

11 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.

12 No above ground construction shall take place until full details of the proposed bin and recycling store have been submitted to and approved by the Local Planning Authority. The stores shall be in situ prior to occupation of the development and thereafter be retained and maintained for so long as the development remains in existence and shall not be varied without the prior written permission of the Local Planning Authority.

12 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.

13 Prior to the occupation of the development, external lighting shall be provided on the site in accordance with a scheme to be submitted to and approved by the Local Planning Authority prior to any above ground works have commenced. The scheme, lighting equipment and levels of illumination shall comply with guidance issued by the Institution of Lighting Engineers and shall be accompanied by a statement from the developer confirming that compliance. The scheme shall thereafter be retained and maintained for so long as the development remains in existence and shall not be varied without the prior written permission of the Local Planning Authority.

13 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.

14 No development shall take place until a detailed Arboricultural Impact Assessment (AIA) compliant with BS 5837:2012 Trees in relation to design, demolition and construction has been submitted and approved in writing by the Local Planning Authority. The (AIA) shall provide information to show how trees/hedging worthy of retention would be sustainable and justification and mitigation measures for any tree removal proposed. The AIA shall identify areas to be excluded from any form of development, specify protective fences for these exclusion areas and for individually retained trees, life expectancy of trees, recommendation for any remedial work, identify acceptable routes for all mains services in relation to tree root zones, identify acceptable locations for roads, paths, parking and other hard surfaces in relation to tree root zones, suggest location for site compound, office, parking and site access, identify location(s) for replacement planting and show existing and proposed levels. All works shall be carried out in accordance with the agreed AIA.

14 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.

15 Prior to the occupation of the development, a landscape management plan, setting out management and maintenance responsibilities for all hard and soft landscape areas, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved and shall remain in force for as long as the development remains in existence.

15 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

16 Prior to the commencement of development details of the provision of fire hydrants, or equivalent, for the development shall be submitted to and agreed in writing with the Local Planning Authority in conjunction with the Fire and Rescue Authority. The hydrants or equivalent shall be installed and completed in accordance with the approved details prior to the occupation of any part of the phase or in accordance with alternative details of provision approved by the Local Planning Authority.

16 Reason: To ensure the appropriate infrastructure is in place to ensure adequate public safety provision in accordance with Policies GROWTH 3 and ENV2 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement to ensure that the appropriate infrastructure is incorporated into the below ground works.

17 The Travel Plan, as submitted as part of this scheme dated March 2020 should be issued to new residents on the first occupation of each new dwelling. The Travel Plan should be updated periodically to ensure accurate information is provided to new residents.

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

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

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

19 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase, as well as measures to ensure an alternative re-routing of the footpath is provided during construction of the development and adequate signage displayed advertising this. Other mitigation measures shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development to include closure of the footpath and of the play area etc. The CEMP shall be adhered to at all times during all phases.

19 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement to ensure that the appropriate infrastructure is incorporated into the below ground works.

20 The development shall be carried out in accordance with the Energy and Sustainability Strategy submitted as part of the application. All sustainability features shall be implemented prior to occupation of the development.

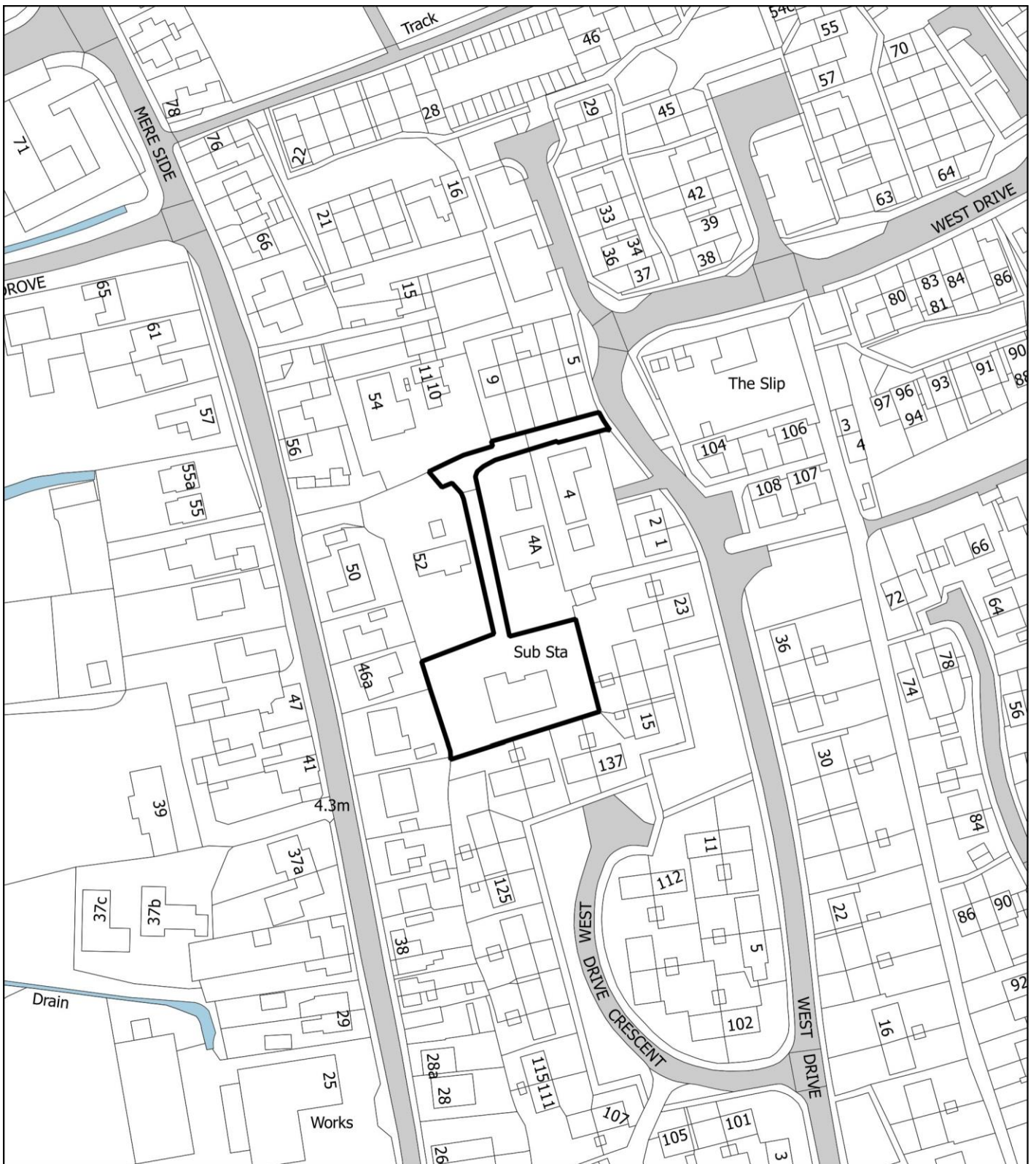
20 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.

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

The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Drainage Strategy prepared by Palace Green Homes dated March 2020 and shall also include:

- a) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
 - b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
 - c) Full details of the proposed attenuation and flow control measures;
 - d) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
 - e) Full details of the maintenance/adoption of the surface water drainage system;
 - f) Measures taken to prevent pollution of the receiving groundwater and/or surface water
- The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG.

21 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.



20/00853/FUL

**4B West Drive Gardens Soham
East Cambridgeshire District Council**

Date: 13/10/2020 Scale:1:1.50

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MAIN CASE

Reference No: 20/00853/FUL

Proposal: Single storey conservatory/garden room extension with small observatory above, together with insertion of small window within apex of south facing gable of detached garage

Site Address: 4B West Drive Gardens Soham Ely Cambridgeshire CB7 5EF

Applicant: Drs Charles and Susan Whyte and Stepney

Case Officer: Molly Hood, Planning Officer

Parish: Soham

Ward: Soham North
Ward Councillor/s: Victoria Charlesworth
Alec Jones

Date Received: 3 July 2020 **Expiry Date:** 11 November 2020
[V93]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to refuse the application for the following reason:
- 1 The proposed roof terrace and observatory due to its proximity to the surrounding neighbouring properties and raised platform would cause significant and demonstrable harm to the residential amenity of neighbouring occupiers, due to the loss of privacy and overlooking. This is contrary to policy ENV2 of the Local Plan 2015 and paragraph 127 (f) as significantly detrimental impacts on the residential amenity of current and future neighbouring occupiers would occur as a result of the development.

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application seeks permission to construct a conservatory off the western side elevation, with a terrace and observatory situated above. The conservatory would protrude 3.8m (12.4ft) from the existing elevation and span 6.2m (20.3ft) across the side elevation, with a ridge height of 2.8m (9.1ft). The roof terrace would cover the entire length and width of the conservatory and include an observatory. The observatory would measure 2.45m (8ft) in height. In addition, the application seeks

permission to include a single window on the southern elevation of the detached garage.

- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.2 The application has been called into Planning Committee by Councillor Jones as it was felt there was no significantly detrimental effect on the residential amenity of nearby occupiers.

3.0 PLANNING HISTORY

09/00028/VAR	Application under Section 73 of the Town & Country Planning Act 1990: Variation of condition 11 of planning permission E/97/00896/FUL - "Existing vegetation along site boundary shall not be uprooted or removed"	Approved	25.02.2009
08/00459/VAR	Application under Section 73 of the Town & Country Planning Act 1990: Variation of Condition No: 11 of Planning Permission E/97/00896/Ful - to vary the boundary treatment	Approved	03.07.2008
97/00896/FUL	Erection of detached house and garage	Approved	05.03.1998

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is a detached dwelling situated within the settlement boundary of Soham and is located in a residential area, with neighbouring properties to the west, south and east. The site currently forms a detached two storey dwelling, with a wrap around curtilage and a gravelled parking area to the front. The western boundary has an existing 2.5m leylandii hedge.

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 - 30 July 2020

Soham Parish Council requested that restrictions are put in place to prevent the occupiers overlooking and or looking into neighbouring properties.

Ward Councillors - No Comments Received

Cadent Gas Ltd - 14 July 2020

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. 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.

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.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

It is YOUR responsibility to take into account whether the items listed may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on either the National Grid or Cadent website.

Cadent Gas Ltd - 15 July 2020

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.

Conservation Officer - 9 July 2020

No heritage implications.

5.2 Neighbours – sixteen neighbouring properties were notified and no responses were received.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

ENV 1 Landscape and settlement character

ENV 2 Design

COM 8 Parking provision

6.2 Supplementary Planning Documents

Design Guide

6.3 National Planning Policy Framework 2019

12 Achieving well-designed places

6.4 Planning Practice Guidance

PLANNING COMMENTS

7.1 The main considerations with this proposal are the impact to residential amenity and the visual amenity of the dwelling and 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. Additionally, paragraph 127(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. The inclusion of a single window on the southern elevation of the detached garage is not considered to overlook the neighbouring property.

7.2.2 No.43 is a detached dwelling with curtilage surrounding all elevations. Firstly, the proposal would introduce a conservatory to the west, protruding 3.8m (12.4ft) from the original side elevation and with a ridge height of 2.8m (9.1ft). A distance of 7.5m (24.6ft) would separate the western elevation of the conservatory and the western boundary. The scale minimises any concerns of overbearing or overshadowing impacts and the separation distance to the boundary also supports minimal residential amenity impacts from this single storey structure. Whilst it is noted that the proposal will contain a significant portion of glazing on the west and south elevation, the height of the conservatory reduces any loss of privacy or overlooking impacts. The extremely tall boundary hedge, does also significantly reduce impacts to the western properties. Even if the hedge was not there, a 1.8m (6ft) `boundary

fence would be sufficient to reduce overlooking or loss of privacy to those adjacent occupiers.

- 7.2.3 The proposal also includes development to the roof space of the proposed conservatory and this is where the harm to residential amenity is considered to occur. The first floor additions to the conservatory include forming a roof terrace and within this space an observatory. The roof terrace would span the entire length and width of the conservatory, measuring 3.8m (12.4ft) by 6.2m (20.3ft). The scale of the space and introduction of the observatory would encourage frequent use, establishing an outside space which is frequently used. The principle of a terrace with observatory is entirely different to the first floor bedroom windows which currently project on this elevation, as a bedroom window offers a glimpsing view, however a terrace encourages use for long periods of time. A terrace and bedroom window are principally very different matters.
- 7.2.4 The applicant has raised the point around the existing 2.5m boundary hedge and the screening that this provides to the western neighbours. This hedge was conditioned under the existing planning permission (No. 97/00896/FUL) and later varied to allow maintenance (No. 09/). The condition from 09/ reads as:
- ‘Except where directly affected by such access requirement as may be approved by the Local Planning authority the boundary treatment to the western, southern and eastern boundary boundaries shall be as shown on drg no 08114-19/001 Rev B and maintained as such.’*
- 7.2.5 The hedge was conditioned to protect residential amenity of the western properties, when the dwelling was originally granted permission, particularly the first floor bedroom windows and the curtilage space. Whilst it is acknowledged that there is an existing condition on the hedge, there are two reasons why it is not considered sufficient to protect residential amenity for current or future surrounding occupiers. Firstly, the condition does not reference in perpetuity and therefore raises concern as to the longevity of the hedge. In addition, the hedge is conditioned to be 2.5m in height and whilst at its height of 2.5m it does obscure views, it is not a lasting structure. Therefore, if the hedge was to dieback, it will take a significant time for any replacement planting to grow to the 2.5m height and therefore during this period, result in significantly detrimental overlooking and loss of privacy to surrounding occupiers.
- 7.2.6 Furthermore, the dwellings to the south-west are considered to be at risk from detrimental overlooking and loss of privacy from the presence of the terrace and observatory. Whilst the proposal does indicate 1.8m metal post and obscure glass screens on the southern side of the terrace, it is considered these are not sufficient to minimise the full extent of overlooking to those south-western properties.
- 7.2.7 The hedge was conditioned to protect residential amenity of those westerly neighbouring properties from the property in its current form. Therefore, to add an aspect of development which could be considerably more harmful to those surrounding occupiers, would be detrimental to protecting residential amenity and contrary to policy ENV2. The measures suggested by the applicant, are not considered to be sufficient to reduce the residential amenity impacts from the proposed first floor development and as such the proposal is contrary to policy ENV2 and paragraph 127(f) of the NPPF.

7.3 Visual Amenity

- 7.3.1 Policy ENV2 requires all development proposal to be designed to a high quality, enhancing and complement the local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. Furthermore, Policy ENV1 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.
- 7.3.2 The proposed conservatory, terrace and observatory will create a change to the existing appearance of the dwelling within the street scene. However, as the dwelling is accessed from a private drive off West Drive Gardens the proposal would not be visible from the streetscene. The proposal would be subservient to the scale of the existing dwelling house and whilst it would be a prominent feature on the side of the dwelling, it is not considered to be significantly detrimental or compromise the appearance of the property.
- 7.3.3 The proposal will sympathetically relate and its location, scale and massing would not overpower the existing dwelling, complying with the Design Guide SPD, policies ENV1 and ENV2 of the Local Plan 2015.

7.4 Hedge

- 7.4.1 The applicants wanted to further condition or protect the hedge with a Tree Preservation Order, to ensure residential amenity of neighbouring properties were protected. However, these routes were not considered feasible or adequate to protect residential amenity, as dieback could occur and any replacement planting would take time to establish at 2.5m in height.
- 7.4.2 The Trees Officer provided the following comments:

In theory a well maintained conifer hedge could endure for 100yrs, the trouble is that often they are not maintained as regularly as this one has been and that is when problems occur. If a hedge of this type is not trimmed twice a year every year it will soon become unsightly and out of control and once it gets to a certain size it won't be possible to reduce it sufficiently without killing it, at which point an application for its removal will be made. Not cutting this hedge for 5yrs would likely lead to this situation. As conifers grow they shade out their internal branches meaning that they are only green on the periphery of the plant and if cut back beyond the green area they will not regenerate new growth essentially making them dead. For this reason I would agree that a conifer hedge is not a long term solution to screening.

- 7.4.3 Whilst this hedge has been well maintained, it has been on the site for at least 23 years, as it was conditioned on the original application 97/00896/FUL. The original condition from 97/00896/FUL advised 'Existing vegetation along site boundary shall not be uprooted or removed', therefore the age of the hedge is greater as it was already present on the site. Whilst the Tree Officers comments give an estimate on the lifetime of a well-maintained hedge, it does confirm that the conifer hedge is not a long term solution. The development will outlive the hedge and whilst the hedge may

currently protect some residents' amenity, it is not a guaranteed long term solution, putting current or future residents at risk.

7.5 **Planning Balance**

7.5.1 The proposal would result in significant harm to the residential amenity of the surrounding occupiers. Adverse impacts are considered to occur to the south-west and western neighbouring properties residential amenity, through overlooking and loss of privacy. The proposal is contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan, as well as paragraph 127(f) of the NPPF. The harm caused by the proposal is considered to outweigh any benefits and therefore the application is recommended for refusal.

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 point:

The site is closely situated to a number of residential dwellings, meaning the observatory and terrace would result in overlooking and loss of privacy.

9.0 **APPENDICES**

9.1 None

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
20/00853/FUL	Molly Hood Room No. 011	Molly Hood Planning Officer
09/00028/VAR 08/00459/VAR 97/00896/FUL	The Grange Ely	01353 665555 molly.hood@eastca mbs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

Planning Performance – September 2020

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
Validation	179	4	28	37	31	29	50
Determinations	167	0	29	41	16	29	52
Determined on time (%)		100% (90% within 13 weeks)	93% (80% within 8 weeks)	100% (90% within 8 weeks)	100% (90% within 8 weeks)	66% (80% within 8 weeks)	100% (100% within 8 weeks)
Approved	153	0	26	34	12	29	52
Refused	14	0	3	7	4	0	0

Open Cases by Team (as at 22/09/2020)							
Team 1 (3.8 FTE)	130	8	27	21	24	50	0
Team 2 (4 FTE)	132	15	25	23	25	44	0
Team 3 (3 FTE)	96	7	22	20	17	30	0
No Team (4 FTE)	144	10	32	2	15	13	72

No Team includes – Trees Officer, Conservation Officer and Agency Workers (x2)

The Planning department received a total of 196 applications during September which is a 3% decrease of number received during September 2019 (203) and equal to the number received during August 2020.

Valid Appeals received – 5

Riverside Caravan Park 21 New River Bank – Delegated Decision
 1 The Pines Mildenhall Road Fordham – Delegated Decision
 Land Adjacent To The Boot Woodditton Road Kirtling – Delegated Decision
 Land North Of 133 North Street Burwell – Delegated Decision
 1 Lower Road Wicken Ely – Delegated Decision

Appeals decided – 9

Land Adj 24 Straight Furlong Pymoor Ely – Delegated Decision – Dismissed
 Upton House 2 Ely Road Littleport – Delegated Decision – Dismissed
 Parkes Farm Aldreth Road Haddenham – Delegated Decision – Dismissed
 Part Of Paddock Associated With Dullingham Park Stud, Accessed Via Private Drive Off Elm Close Dullingham – Delegated Decision – Allowed
 Site West Of 78 Camel Road Littleport – Delegated Decision – Dismissed

Land To The East Of Witcham Bridge Farm Witcham Bridge Drove Wardy Hill – Delegated decision – Dismissed
Land Between 27 And 39 Sutton Road Witchford – Committee Decision – Dismissed

Other Information

Appeal at Land North of 190 Wisbech Road, Littleport has had its procedure changed to a Hearing which will take place virtually on 23rd and 24th November 2020.

Enforcement

New Complaints registered – 18 (0 Proactive)

Cases closed – 24 (0 Proactive)

Open cases/officer (2.5FTE) – 273 cases (30 Proactive)/2.5 = 109.2 per FTE

Notices served – 0

Comparison of Enforcement complaints received during August

Code	Description	2019	2020
ADVERT	Reports of unauthorised adverts	1	0
COND	Reports of breaches of planning conditions	8	3
CONSRV	Reports of unauthorised works in a Conservation Area	1	0
DEM	Reports of unauthorised demolition in a Conservation Area	0	0
HEDGE	High Hedge complaints dealt with under the Anti-Social Behaviour Act	0	0
LISTED	Reports of unauthorised works to a Listed Building	0	0
OP	Reports of operational development, such as building or engineering works	6	10
OTHER	Reports of activities that may not constitute development, such as the siting of a mobile home	0	0
PLAN	Reports that a development is not being built in accordance with approved plans	3	1
PRO	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	6	0
UNTIDY	Reports of untidy land or buildings harming the visual amenity	2	0
USE	Reports of the change of use of land or buildings	4	3
	TOTAL	31	18