



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

---

## MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: **Wednesday 4<sup>th</sup> May 2022**

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

ENQUIRIES REGARDING THIS AGENDA: Caroline Evans

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

---

## MEMBERSHIP:

### Conservative Members

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

### Substitutes:

Cllr David Ambrose Smith  
Cllr Julia Huffer  
Cllr Josh Schumann

### Liberal Democrat Members

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

### Substitutes:

Cllr Charlotte Cane  
Cllr Simon Harries  
Cllr Christine Whelan

### Independent Member

Cllr Sue Austen (Lead Member)

### Substitute:

Cllr Paola Trimarco

### Lead Officer

Rebecca Saunt, Planning Manager

Quorum: 5 Members

---

## PLANNING COMMITTEE MEMBERS TO MEET IN RECEPTION AT THE GRANGE AT 11:25AM

(Please note, site visit timings are approximate.)

# AGENDA

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

### 3. Minutes

To receive and confirm as a correct record the Minutes of the Planning Committee meeting held on 6<sup>th</sup> April 2022.

### 4. Chairman's Announcements

[oral]

### 5. 21/01536/FUL

Construction of residential dwelling

Location: Low Bank Farm, Low Bank, Mepal

Applicant: Mr E Veal

Public Access Link: <http://pa.eastcambsgov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R19WWMGGH2500>

Site visit: 11:50am

### 6. 21/01721/FUL

Proposed two-storey rear extension

Location: 127 High Street, Sutton, CB6 2NR

Applicant: Mr & Mrs R Pitt

Public Access Link: <http://pa.eastcambsgov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R4GRLUGG0CT00>

Site visit: 12:10pm

### 7. Planning Performance Report – March 2022

---

#### NOTES:

1. Members of the public are welcome to attend this meeting. Please report to the main reception desk on arrival at The Grange. Visitor car parking on-site is limited to 1h but there are several free public car parks close by: <https://www.eastcambsgov.uk/parking/car-parks-ely> The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints this will normally give a capacity for public attendance of 30 seated people and 20 standing. Public access to the Council Chamber will be from 30 minutes before the start of the meeting and, apart from for registered public speakers, is on a "first come, first served" basis.
2. The meeting will also be livestreamed on youtube for public viewing. The link will be available from the meeting webpage in advance of the meeting: <https://www.eastcambsgov.uk/meetings/planning-committee-04052022> Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.
3. The Council has a scheme to allow public speaking at Planning Committee. If you wish to speak on an application being considered at the Planning Committee please contact Caroline Evans, Democratic Services Officer for the Planning Committee [caroline.evans@eastcambsgov.uk](mailto:caroline.evans@eastcambsgov.uk), to register by 10am on Tuesday 3<sup>rd</sup> May. Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to attend in person. Please note that public speaking, including a statement being read on your behalf, is limited to 5 minutes in total for each of the following groups:
  - Objectors
  - Applicant/agent or supporters
  - Local Parish/Town Council
  - National/Statutory Bodies

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

4. The Council has adopted a 'Purge on Plastics' strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
5. Fire instructions for meetings:
  - If the fire alarm sounds please make your way out of the building by the nearest available exit i.e. the back staircase or the fire escape in the Chamber. Do not attempt to use the lifts.
  - The fire assembly point is in the front staff car park by the exit barrier.
  - The building has an auto-call system to the fire services so there is no need for anyone to call the fire services.

The Committee Officer will sweep the area to ensure that everyone is out.

6. Reports are attached for each agenda item unless marked "oral".
7. If required, all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: [translate@eastcambs.gov.uk](mailto:translate@eastcambs.gov.uk)
8. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

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

---



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

## AGENDA ITEM NO 3

Minutes of a meeting of the Planning Committee held at 2:00pm on Wednesday 6<sup>th</sup> April 2022 in the Council Chamber at The Grange, Nutholt Lane, Ely, CB7 4EE.

### **PRESENT**

Cllr Christine Ambrose Smith  
Cllr David Ambrose Smith (Substitute for Cllr David Brown)  
Cllr Sue Austen  
Cllr Matthew Downey  
Cllr Lavinia Edwards  
Cllr Lis Every  
Cllr Bill Hunt (Chairman)  
Cllr Alec Jones  
Cllr Lisa Stubbs (Vice-Chairman)  
Cllr Gareth Wilson

### **OFFICERS**

Rebecca Saunt – Planning Manager  
Maggie Camp – Legal Services Manager  
Caroline Evans – Democratic Services Officer  
Toni Hylton – Senior Planning Officer  
Annalise Lister – Communications Manager  
Andrew Phillips – Planning Team Leader  
Isabella Taylor – Planning Officer  
Angela Tyrrell – Senior Legal Assistant  
Melanie Wright – Communications Officer

### **IN ATTENDANCE**

Dr Lau Berraondo (Applicant, Agenda Item 6 / Minute 84)  
Harvey Bibby (Applicant, Agenda Item 6 / Minute 84)  
Alex Clark (Applicant, Agenda Item 5 / Minute 83)  
Michael Hargreaves (Applicant, Agenda Item 7 / Minute 85)  
Gordon Rusk (Objector, Agenda Item 5 / Minute 83)  
Adam Tuck (Applicant, Agenda Item 6 / Minute 84)  
Parish Cllr Richard Radcliffe (Agenda Item 5 / Minute 83)  
Cllr Julia Huffer (Agenda Item 5 / Minute 83)

10 Members of the public.

## **79. APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Cllrs Brown and Trapp.

Cllr David Ambrose Smith was attending as a substitute for Cllr Brown.

## **80. DECLARATIONS OF INTEREST**

Several Members declared an interest in Agenda Item 6 (21/01694/FUL, Land west of 115 Lancaster Way Business Park, Ely):

- Cllr Every stated that she had spoken to the applicant's agent and to Council Officers whilst researching the proposal, but she remained open-minded.
- Cllr Wilson was a patient of the dental business that was the subject of the application, but remained open-minded.
- Cllr Austen had called-in the item for consideration by the Committee because she had been asked to do so on the grounds of transparency. She remained open-minded.

*2:02pm – Cllr Downey joined the meeting.*

## **81. MINUTES**

The Committee received the Minutes of the meeting held on 2<sup>nd</sup> March 2022.

It was resolved:

That the Minutes of the Planning Committee meeting held on 2<sup>nd</sup> March 2022 be confirmed as a correct record and be signed by the Chairman.

## **82. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- He reminded all interested parties of the importance of abiding by deadlines for speaker registration and submissions of information for Members to consider. Information received less than 48h before the meeting would not be sent to Members since it was important that they all had sufficient time to carefully read and consider all of the details. Pressure or bullying behaviour directed towards Officers would not be tolerated.
- Formal site visits for Committee Members had re-started for this meeting and, whilst not mandatory, were considered to be an essential part of the decision-making process.
- Russell Wignall, Legal Assistant, was leaving the Council. He was thanked for all of his work and offered the Committee's best wishes for the future.
- There would be an additional Planning Committee meeting added to the calendar to consider the Sunnica planning application. The meeting would be held at a venue near to the site and the Sunnica application would be the sole item for debate. It was emphasised that the Council would not be the determining authority for the application; the meeting would be to consider the Council's recommendations as a consultee on the application.

## **83. 21/01636/FUL – LAND ACCESSED BETWEEN 2 & 4 FORDHAM ROAD, ISLEHAM**

Andrew Phillips, Planning Team Leader, presented a report (W170, previously circulated) on behalf of the Case Officer, recommending approval of an application that sought permission for the construction of four market dwellings with associated parking, garages and landscaping, on plots formerly allocated as self-build.

Members were shown maps and satellite images to illustrate the site's location outside the Local Plan's development envelope but within the Isleham Neighbourhood Plan's development envelope. The Isleham Neighbourhood Plan

had been given moderate weight in the assessment of the application. In addition, the site lay within a wider Bloor Homes development and had previously been allocated for four self-build plots. Two house types were proposed, both of which were present on the wider development, and elevations of both were shown.

The main considerations for the application were deemed to be:

- **Principle of development** – the site had previously received permission for four self-build plots, and the proposal had demonstrated compliance with clause 1.3(b) of the s106 agreement regarding the marketing of the plots. The principle of development was therefore considered to be acceptable.
- **Residential amenity** – concerns of overlooking, loss of privacy, glare and overbearing, intrusiveness and loss of light had been received from neighbours. The Design Guide SPD advised that the distance between rear inter-visible windows should be a minimum of 20m. All proposed dwellings would be over 10m from their rear boundary and the distance between the proposed dwellings and the rear elevations of 35a, 35b and 41 Hall Barn Road were 23.6 – 30.4m. The first-floor windows on the proposed properties' rear elevations were therefore not considered to result in detrimental impacts to residential amenity through significant overlooking or detrimental loss of privacy. They were also not considered to result in significant amenity impacts as a result of glare from the windows.
- **Visual impact** – the site was surrounded by residential development and the proposed dwellings were of a design and scale that would be in keeping with, and complementary to, the surrounding Bloor Homes development. The proposed garages for each property were also in accordance with the Design Guide SPD due to their positioning to the side or rear of each dwelling.
- **Highway safety and parking** – there had been no objection from the Local Highways Authority and the proposed dwellings would be accessed from the existing road for the wider Bloor Homes development. There was sufficient vehicle and cycle storage to comply with the parking standards in policy COM8 of the Local Plan and policy 10 of the Isleham Neighbourhood Plan. To further comply with policy 10 of the Neighbourhood Plan, a condition would be applied regarding electric vehicle charging points.
- **Flooding/Biodiversity** – the Lead Local Flood Authority had not raised any objections to the principle of the development. A drainage condition was proposed and the proposal complied with policy ENV8 and the NPPF. The development would deliver various biodiversity enhancements and would comply with policy ENV7 of the Local Plan, policy 7 of the Isleham Neighbourhood Plan, and with the Natural Environment SPD. The landscape buffer had been transferred to the neighbouring properties and the majority of owners had since incorporated the additional 5m into their curtilages.

In summary, the principle of the development was considered to be acceptable and there would be no detrimental impact to residential amenity. There would be no significant or demonstrable harm to the character of the area and the dwellings would be in keeping with the existing house-types on the wider site. The access arrangements and parking provision were acceptable. The application was therefore recommended for approval.

On the invitation of the Chairman, Gordon Rusk read a statement to the Committee as follows:

*“Gordon Rusk 35B Hall Barn Road, Isleham: speaking for residents in 33, 35A, 35B, 41 Hall Barn Road.*

- *Prior to planning consent Bloor have constructed up to 1st floor level.*
- *As stated in today’s report 7.3.11 the reserve matters for these plots did not come before the 3yr time period, therefore, the site has no existing permission for these properties.*
- *Neighbours’ main objections are stated in section 5.3 of the report.*
- *We had no discussion on the plots in 2018/19 even though today’s report 7.5.7 states the 2018 outline application considered two storey properties acceptable.*
- *2019 Bloor stated they would build bungalows in key locations to reduce the impact on existing adjacent dwellings. “No overlooking or overbearing.”*
- *6th Nov 2019 Agenda item 3 noted the buffer zone now curtilages would stop existing dwellings overlooking future residents.*
- *Plots 114 –17 do look directly over 35A, and B, 41 Hall Barn Road there will be a loss of privacy.*
- *Today’s item 7.5.3 states there will be overlooking, but not considered detrimental; we beg to differ living opposite. This is not consistent with the previous decision to change houses to bungalows.*
- *A buffer zone was originally planned in the S106, it would provide privacy, reduce overlooking and overbearing.*
- *Bloor imposed a height restriction 2.6m in the transferred zone this could interfere with the compliance of condition 6 of reserved matters application 2019 contrary to the obligation within the S106. Would the committee remind Bloor of this?*
- *The removal of covenant offer by Bloor in 7.12.2 is not forthcoming and other offers reduced.*
- *We ask the committee to reflect a consistency of consideration in their views that bungalows be built.”*

In response to Cllr Jones requesting more detail about the last point, the objector explained that, because the plots were originally intended for self-build, the residents in the three properties that backed onto the application site had not been permitted to speak at the November 2019 meeting which had considered the need for bungalows further along the development site. Now that the plots were to be offered for market housing instead of self-build the residents felt disadvantaged and wanted the same consideration to be offered to them as had been to the residents whose properties backed on to the bungalows.

Cllr Stubbs asked the objector for more information about the covenant that had been mentioned. The objector gave details about a disputed covenant, which applied to the “buffer zone” land that had been transferred to the owners of the Hall Barn Road properties, restricting the height of shrubs and trees in the transferred land. The local residents’ group had understood from discussions with Alex Clark (Bloor Homes) on 14<sup>th</sup> and 23<sup>rd</sup> March that the covenant would be removed, but it remained in place and under negotiation.

The Chairman thanked the objector and reminded everyone that the application was for two-storey dwellings, not bungalows, and that the Committee would need to decide the application that was before them.

The Chairman then asked the Democratic Services Officer to read aloud two further statements that had been supplied by objectors who were unable to attend the meeting.

Statement 1:

*"We are residents of 29B Hall Barn Road, Isleham which lies in the Northwest Corner of the Bloor Development.*

*At every stage over the last 4 years, we have by due process commented and placed our objections on record at ECDC regarding the above development.*

*Having achieved fairness behind 29B with the provision of a bungalow to match the original proposal of bungalows behind the properties most affected. At the planning meeting it was noted in the minutes that the new properties would not overlook or overbear the existing residents. A statement within Mr R Eburne's (Bloor Dir.) email – dated 25 November 2019 (copy available) assured us – "that the finished ground level is the same as the ground beyond the boundary" this has not happened. On the commencement of the foundations of the bungalows we noted this was not the case and informed ECDC. We were subsequently told that the finished floor levels were as per plans submitted! Without being able to confirm their plans for finished floor levels we were not in a position to be able to object to something we know nothing about. We took Mr Eburne's assurance at face level. We are concerned there will now be a slope from the new property to the boundary fence which will in turn present drainage problems to our garden and a subsequent rotting of the fence due to the higher soil level up the fence.*

*With the agreed transfer of the buffer zone to the residents all along Hall Barn Road with the developer, which was in general agreement, we learned at time of signing/transfer there were many covenants applied by the developer restricting what we could do with the strip of land and any sale of our property in the future the new buyer would have to enter a new contract with the developer regarding the strip of land. This is another stealth impact on our lives which has given us more concern and stress.*

*The continuing attitude of the developer to run 'rough-shod' over the residents of Hall Barn Road continues and most recently, in the change of planning with the self-builds, which the developer has commenced.*

*The developer has always stated they wanted to respect the privacy of existing residents, they have not! We have lost considerable light to our gardens; we've lost our privacy and value to our homes. There has been no consideration, communication or common courtesy to us regarding the constant dust and noise from the site over the last 2 years. The developer has fooled the residents of Isleham into believing they were going to build small clusters of properties*

*that would reflect their location in the heart of a small Cambridgeshire village. We were never fooled, that's why we have continued to fight.*

*We will not be dismissed by the developer's latest offer of trellising and 2 trees to hide the development in return for a withdrawal of our objections. Especially after having personally spent over £1800 doing so. We want what is fair and just and for the developer to recognise that they haven't fulfilled their promises/obligations to the residents of Hall Barn Road and Isleham."*

Statement 2:

*"We are residents of 3 The Briars, Isleham which abuts the Hall Barn Road elevation of this development.*

*We are again placing on record our objections to and disappointment at this development and the scant regard for the wishes of existing Isleham residents during the various stages of consultation, planning approval and construction.*

*Over a 3-year period from when the first consultations took place regarding this development we have fought hard to minimise the impact on the existing residential properties, and along Hall Barn Road in particular.*

*Originally the developer proposed 2-storey houses along this whole elevation but with support of our local and County Councillors we achieved a small concession for bungalows to be constructed where the greatest impact would occur, and in particular behind numbers 2, 3 & 4 The Briars.*

*The plans presented to ECDC stated that these new bungalows would be built at the same finished floor levels as our properties to avoid being overlooked and this assurance was confirmed in an email from Robert Eburne prior to full planning consent being granted.*

*Construction is now complete on these bungalows and looking at the original plans, we would estimate that the FFL height of these bungalows are at least 1m higher than were proposed and approved, with the rear gardens now having a steep slope down to our rear boundary fence which will in turn present drainage problems in our gardens.*

*This increase in the proposed FFL's granted to Bloor was given without any 'statutory notification' to all existing residents as a 'change in planning consent'. This major change to planning consent is totally unacceptable and does not comply with planning regulations and has resulted in a massive infringement on our privacy and quality of life, substantially reduced the value of our homes and frankly made it a very unpleasant place to now live!*

*The developer had always stated that they wanted to respect the privacy of all existing residents and construct this (awful) development with minimum impact on our village. These undertakings were repeated at all of the planning meetings led by Robert Eburne and his team prior to consent being granted and they have succeeded in fooling everyone concerned into believing they could be trusted as a major house developer in the southeast.*

*Having spent 20+ years in the construction industry I can frankly say, that in my opinion, this is one of the worst thought out and executed developments in the area. What happened to the original proposals to construct 'small clusters of properties of different designs and styles that reflected their location in the heart of a small Cambridgeshire village?*

*Many residents along Hall Barn Road have also expressed their concerns and will be making separate representations and in particular to the change from 'self-build' properties behind 35a, 35b and 41 Hall Barn Road to 2-storey houses which again is against the developer's undertaking to only construct bungalows."*

The Chairman then invited Alex Clark (Director, Bloor Homes), representing the applicants, to address the Committee. The applicant stated that since the principle of four dwellings at that location had already been established in the outline planning permission, the variation was purely the proposed house type. The legal agreement allowed for conversion of the plots from self-build to open-market and the obligations within that agreement had all now been met. The appearance of the proposed dwellings would reflect the wider site and was appropriate for the location. Although there had been concerns that the two-storey properties would adversely affect the neighbouring properties, the recommended separation distances within the Design Guide SPD would be exceeded and the self-build parameters plan had allowed for up to two storeys, consequently there was no planning justification to insist upon bungalows at that location. Bloor Homes had transferred the buffer zone to the neighbouring residents, who had thereby all gained 5m of garden, and had met with Cllr Huffer and the Parish Council and local residents to offer trellis and two large trees for each of the most affected properties. He considered the principle, size and scale to be acceptable and in compliance with the policies of the Local Plan and the Design Guide SPD, and therefore urged the Committee to approve the application.

Cllr Wilson commented that it had been clear at the morning's site visit that construction was already well underway, and he questioned why. The applicant explained that the decision had originally been delegated until it was called-in to Committee in January, Bloor Homes had then decided to commence the foundations on the basis that they could be adapted to any design. Cllr Wilson countered that the construction was significantly more advanced than just foundations. He also questioned the efforts that had been taken to sell the plots for self-build homes and the applicant stated that there was a clear mechanism within the s106 agreement which had been followed to the letter.

Cllrs Jones, Stubbs and C Ambrose Smith all asked questions about the potential for bungalows instead of two-storey dwellings on the application site, or re-designing the upper storey to prevent overlooking. The applicant stated that Bloor Homes was a commercial entity that wished to construct two-storey properties at this location. Although bungalows had been agreed for some more sensitive locations, they had never been promised for the entirety of Hall Barn Road and the parameter plan for the self-build plots had indicated that two-storey designs would be possible. The back-to-back distances would be in excess of the requirements of the Design Guide SPD and an additional 5m of garden had been transferred to

the Hall Barn Road residents. Outside the formal planning process, Bloor Homes was engaging with the community to try to work with them.

Cllr Stubbs asked about the discrepancy between the applicants' and objectors' views about the covenant. The applicant explained that they used standard covenants for their land transfers; within the legal agreement for the 5m land transfers a standard restriction on height had been included.

Cllr D Ambrose Smith commented positively about the build quality and style of the overall development but questioned why the ground floor heights were so high rather than being the same as Hall Barn Road, and asked whether the fence panels along the boundary could be 2.6m tall for the length of Hall Barn Road. The applicant stated that floor levels had been submitted to, and approved by, the Council as part of the reserved matters conditions. Following complaints, the planning control and enforcement team had investigated and had concluded that the construction was in accordance with the plans. Regarding the fence height, the maximum level in the covenant had been raised to 2.6m and, outside the planning process, meetings had been held with residents to consider removing the covenant. A possibility would be for Bloor Homes to plant trees in the residents' gardens, as a way around the restrictions of the covenant, and that could be formalised as a planning condition. Cllr D Ambrose Smith added that Members were in a difficult position since the applicant's viewpoint and that of residents and the Parish Council (as detailed in the Officer's report) were at odds.

Cllr Hunt concluded the questioning by commenting that the buildings under construction were approximately 6ft tall and as such Bloor Homes appeared to be constructing buildings for which they did not yet have planning permission.

At the invitation of the Chairman, Parish Councillor Richard Radcliffe (Chair, Isleham Parish Council) addressed the Committee. He explained that the Parish Council supported the development but were opposed to the construction of two-storey dwellings on the four plots under consideration. The Parish Council considered that insufficient weight had been given to overlooking and overbearing. In their Design and Access Statement, Bloor Homes had quoted part of paragraph 126 of the NPPF but the Parish Council did not consider that the current application "creates better places in which to live and work and helps make development acceptable to communities". Although Bloor Homes claimed that there would be a strong buffer and a healthy back-to-back relationship this was true for bungalows but not for two-storey dwellings. The separation distances from the new bungalows to The Briars were very similar to the distances between the proposed new dwellings and their immediate rear neighbours on Hall Barn Road, whereas other properties further along Hall Barn Road had much greater separation distances. The residents had expected bungalows on these plots. Bloor Homes had previously stated that Hall Barn Road was a sensitive boundary for plots 108-111 and this had been reflected in the construction of bungalows rather than houses; these plots should be treated similarly.

There were no questions for the Chair of the Parish Council.

Cllr Huffer then addressed the Committee as the Ward Councillor for Isleham. She made clear that she had no objections to the principle of the overall development,

but the plots under consideration in this application had originally been designated for self-build. Although Bloor Homes had complied with the Council's policy regarding marketing the plots, she had learned that there was no requirement for market rates to be applied and she therefore believed it to be common practice for large developers to price their self-build plots at an unrealistically high level which would, in time, enable them to convert the unsold self-build allocation to market housing. She urged the Planning Manager and the Chairman to review the policy in order to end this practice. She showed Members a photograph taken from 3 The Briars which illustrated that the bungalows had not been built at the same level as the existing housing, to the severe detriment of existing occupiers who were now choosing to move away. Two-storey dwellings behind 29 – 31 Hall Barn Road were therefore a significant concern and she had recently met with residents and Bloor Homes to discuss the application. She had been assured at that meeting that the foundations were suitable for bungalows as well as two-storey dwellings, and had therefore urged them to build bungalows to protect the privacy and quiet enjoyment of the existing residents. Since that meeting the residents had each been offered trellis and two trees to shield their properties, on the condition that they withdrew their objections and persuaded her to withdraw her call-in to Committee. Her understanding was that that offer had now been withdrawn. She urged the Committee to defer the item and ask Bloor Homes to redesign the homes to a maximum of one storey in order to prevent overlooking and overbearing to the residents of Hall Barn Road.

Cllr Downey asked what planning reason could be given for deferring the application; the Ward Councillor suggested the considerable loss of amenity to existing residents due to overlooking and overbearing. Regarding the marketing of self-build properties, Cllr Wilson suggested that the Council should consider mandating that self-build plots be marketed as affordable housing if they could not be sold for self-build, and Cllr C Ambrose Smith referred to the Council's register of interest in self-build plots. The Ward Councillor agreed with Cllr Wilson's suggestion and gave an example of another development where CLT self-build plots had a waiting list whereas the developer's plots were significantly more expensive and were un-sold. The Planning Manager explained that all parties on the Council's self-build register had been contacted regarding the four self-build plots; the Ward Councillor stated that interest would only be generated if the plots were marketed at realistic prices.

Cllr Jones expressed concern that the self-build plots had permission for up to two storeys, and therefore refusal of permission could lead to an appeal. The Ward Councillor explained that Bloor Homes had indicated that the foundations were suitable for single-, 1.5- and two-storey buildings and that was why she had proposed a deferral. If the developer was able to construct bungalows then they should be encouraged to do so.

The Chairman invited further comments from the Planning Team Leader, and then questions for him from Members. The Planning Team Leader drew Members' attention to paragraph 7.4.3 of the Officer's report which detailed the marketing of the self-build plots, and paragraph 7.12 which addressed the issue of the covenant.

In response to a question from Cllr Jones about the likelihood of an appeal if the application was refused, the Planning Team Leader reminded Members that the

application complied with the Design Code in respect of the rear separation distances and stated his professional opinion that an appeal would be likely, with the possibility of costs being awarded against the Council. Cllr D Ambrose Smith asked whether the Ward Councillor's proposal of a deferral would enable the Officers and the developer to work together to modify the properties to reduce the overlooking. The Planning Team Leader stated that the Committee should approve or refuse the application as submitted; a deferral would require very clear reasons, and Officers already worked with developers in the earlier stages of considering applications. Therefore, in his professional opinion, a deferral could result in the developer appealing for non-determination.

Cllr Every asked the Chairman for permission to question the applicant again. Having received permission, she asked Alex Clark whether, in view of all that he had heard, he could see a merit in deferring for further discussion to reduce the opposition to the four dwellings. The applicant replied that Bloor Homes' view was that they were following the clear parameters in the outline planning permission, the legal agreement and the parameter plan. The application had been under consideration for a long time and the view of the professionals was clear; there was a strong planning case for approval.

Cllr Hunt sought and received confirmation from the Planning Team Leader that, if the application was refused, the applicants could resubmit a revised application free of charge.

Commenting that the possibility of two-storey properties had been allowed for the self-build plots in order to improve their marketability, Cllr Jones asked whether it would be reasonable to impose different conditions on the same plots now that they were to be market dwellings. The Planning Team Leader explained that the tests regarding residential amenity were the same whether or not the plots were intended for self-build, and that it was not reasonably possible to have different rules according to whether or not the plot was for self-build. The original development was required to contain a minimum number of bungalows, all of which had been provided.

Finally, Cllr Downey asked whether there was any requirement within the Local Plan or other policies that required a developer to act in an honest or fair way, since it was clear that not everyone felt that to have been the case. The Planning Manager explained that community engagement was encouraged but the behaviour of developers was outside the responsibilities of the Council.

The Chairman then opened the debate. Cllr Wilson stated that he considered this to effectively be a retrospective application since it was clear from the site visit that construction was already underway. He did not see any valid planning reasons to refuse or defer the application and therefore saw no option but to very reluctantly approve it. However, he suggested that if it were to be approved then strict conditions should be applied in order to assist in reducing the site's impact. He suggested that trees of an appropriate height and size could screen the buildings, and frosted glass on the rear windows of the new buildings would reduce overlooking. The Planning Team Leader explained that any tree-related conditions would need to be located within the site's red line; a legal agreement would be required instead if the trees were to be on neighbouring land. It was not considered

reasonable to condition obscure glazing for bedrooms since all residents deserved an outlook. Cllr C Ambrose Smith suggested that the roofline could be altered such that the rear bedrooms were served by velux windows instead; the Planning Manager reminded Members that a decision needed to be reached on the application as submitted.

Cllr D Ambrose Smith proposed that the application be refused on the grounds that it did not meet the requirements of policy ENV2 due to its significant detrimental effects on the nearby neighbours' residential amenity. Cllr Austen seconded the proposal.

Cllr Jones agreed with Cllr Wilson's assessment that, since up to two storeys had been allowed for self-build, there was unfortunately no planning reason to refuse two-storey dwellings at this stage. He would therefore be proposing that the Officer's recommendation for approval be accepted.

Cllr Downey considered that the Committee was in a difficult position since the community opposed the application and felt misled about it. He felt that Cllr D Ambrose Smith had made a good argument concerning the reduction in residential amenity, however, the developer and Officers had disagreed with that view. He therefore remained undecided. Cllr Stubbs also declared her indecision although she echoed Cllr Jones' comments about the difficulty relating to the previous acceptance of the potential for two-storey dwellings on the site. She considered that Bloor Homes had damaged a previously good reputation for the sake of only four properties.

The motion to refuse the application was then put to the vote.

It was resolved with 5 votes in favour, 3 votes against, and 2 abstentions:

That planning application ref 21/01636/FUL be REFUSED on the grounds that it did not meet the requirements of policy ENV2 due to its significant detrimental effects on the nearby neighbours' residential amenity.

**84. 21/01649/FUL – LAND WEST OF 115 LANCASTER WAY BUSINESS PARK, ELY**

Toni Hylton, Senior Planning Officer, presented a report (W171, previously circulated) recommending refusal of an application seeking permission to erect a two-storey steel-clad building, with aluminium roof, doors and windows, and a green roof system for the porch and the bin and cycle store. The building would be used by "Enhance"; a dental business specialising in orthodontics, endodontics, periodontics, dental implants, mouth rehabilitation and facial rejuvenation. An additional statement had been supplied by the agent, after publication of the agenda papers, and had been circulated to all Members in advance of the meeting.

Members were shown a location plan, aerial view and block plan illustrating the site's location on the edge of the Lancaster Way Business Park and with access from the Lancaster Way roundabout. A further parcel of land to the west of the main parcel would be used for ecological improvements. Elevations and floor plans for the proposed two-storey building were also shown. Five dentist rooms and a

reception area were proposed for the ground floor, with offices, a meeting/training suite, and five other rooms on the first floor. Despite requests from the Officer, the agent had not provided information regarding the purpose of the five unidentified first-floor rooms.

In response to the agent's assertion that no change of use application would be required if Enhance chose to move into any existing building on the business park, the Case Officer explained that the outline planning permission granted in 1994 had restricted the use classes by condition to B1, B2 and B8. Although use classes had been changed in 2020, and B1, B2 and B8 all now fell within use class E, the condition restricted and maintained the previous B1 use to the new E(g) class across the majority of the site. Commercial buildings were use class E(g) whereas the proposed building would be use class E(e) (medical or health services). The agent had also emphasised that Enhance's current practice had no parking whereas, in addition to the allocated spaces at the proposed new building, there would be additional parking available at other site within the business park. The Case Officer argued that the original planning permission for the current business identified five on-site staff parking spaces, and the building was also in close proximity to town centre car parks. The additional parking that had been suggested by the agent was not part of the application and was not under the control of the applicants.

The main considerations for the application were deemed to be:

- **Impact on the viability of Ely City Centre** – relocation of the dental practice from the city centre to Lancaster Way would reduce the footfall in the city centre and remove the local community's easy access to an important healthcare facility. Dentists were considered to be a town centre use and therefore, in principle, should be located in town centres and were not a suitable use for a business park. In addition, the Lancaster Way Business Park only had planning permission for use classes B1, B2 and B8, none of which related to dental practices. Trade counters had been allowed for several businesses on-site since they fell within use class B8. Reeds were restricted to the area of A1 use and to a personal permission. A more detailed sequential test should have been provided by the applicants, and there were limited public transport links to Lancaster Way since they were designed to support the working pattern of the site. The proposed development was therefore considered to be contrary to policies COM1, COM3 and EMP1.
- **Lack of suitable parking spaces** – the proposal had a shortfall of 33 car parking spaces and 10 cycle parking spaces in terms of the requirements of policy COM8.

In summary, the proposal was considered to cause harm to the vitality of Ely city centre, to be contrary to the use class restrictions for Lancaster Way Business Park, and to result in a significant shortfall of parking spaces. It was therefore contrary to policies COM1, COM3, COM8 and EMP1 and consequently was recommended for refusal.

On the invitation of the Chairman, Adam Tuck (agent) and Dr Lao Berraondo (Enhance Clinical Director), addressed the Committee in support of the application. Mr Tuck stated that Enhance's current location was outside the town centre

boundary and there were also four other dental practices within Ely, therefore the relocation of the practice would not harm the city centre. A detailed sequential test had supported the applicant's claim that there were no other suitable buildings, and the applicant had now spent over four years searching for new premises to avoid moving out of the District. From 1<sup>st</sup> December 2020, use class E had replaced use class B1 and therefore if a B1 building became available on the business park then Enhance would be able to use it without requiring a separate permission. The planning policy regarding parking provision allowed for flexibility and the applicants considered 17 spaces to be sufficient, with the additional shared spaces also being available if needed. There would be a substantial biodiversity net gain from the proposal and no objections had been received. Dr Berraondo explained that the dental practice's current site was not fit for purpose due to its lack of parking and its poor accessibility. Enhance wanted to remain in Ely and since there was no opportunity for expansion in the city they had looked for a location as close as possible to the city. The business park already had a coffee shop, gym, play area and museum so there was precedent for more diverse uses. The proposed new facility would be for dental work and associated training and research, and would support NHS and private practices in the region. The recent award of a grant from the Council was very welcome, and planning permission for the new facility would enable the District to have a nationally dental significant centre.

Cllr Jones asked about the parking provision when considering staff needs and "one in, one out" for each patient room, and about the five unidentified first-floor rooms that the Officer had mentioned. Dr Berraondo explained that they currently operated six surgeries and the intention was to increase the capacity in the new building. Space was needed for patients recovering from IV sedation, and also dual-use rooms for delegates. Regarding parking, he reiterated the lack of parking provision at the current practice and stated that he considered the required number of spaces, as proposed by the Officer, to be unnecessary for a practice of the proposed size.

In response to several questions from Cllr Every, Dr Berraondo explained that in addition to a cohort of local patients the practice saw patients from the wider Cambridgeshire area as well as from much further afield. Their specialisms and reputation meant that patients were referred from much of the south of England. He had been searching for a new premises in Ely or its immediate surroundings for several years without success, although he only had access to advertised properties and would therefore be unaware of potential locations that were not marketed. Regarding the concerns about non-dentistry treatments, he stated that the botox (and similar) treatments on offer were more medical than cosmetic and that he was the only practitioner; there was no intention to offer beautician services.

Cllr D Ambrose Smith commented that he did not consider the current practice to be located in the city centre, and asked whether Enhance's design and development activities could be considered to be world-leading and more than simply a dental practice. Dr Berraondo agreed with that description. Cllr Hunt asked whether NHS patients were seen at the practice, and whether the applicants would accept a use restriction to office, research and health services. Dr Berraondo explained that referrals were received from NHS practitioners for complex cases that could not be handled by the NHS, and confirmed that the proposed use restriction would be present no problems to their operation.

Cllr C Ambrose Smith asked whether the practice would move out of the area if a new location was not found imminently. Dr Berraondo agreed that the business needed to move and would therefore need to look elsewhere if there was no suitable site in or close to Ely. He also confirmed to Cllr Wilson that, if Enhance moved to Lancaster Way, they would continue to serve all of their existing patients and that three NHS dentist practices and one private practice would still be present in Ely.

The Chairman invited further comments from the Case Officer before inviting questions from Members. The Case Officer reiterated her concerns about the five undesignated first-floor rooms, the insufficient parking provision, and the lack of compliance with policies COM1, COM3 and EMP1.

Cllr Downey asked for further information about the various facilities that the applicants had mentioned existed on the Lancaster Way Business Park, including a gym and a coffee shop. The Planning Team Leader explained that Officers worked closely with the business park to support the Enterprise Zone for B1/B2/B8 uses and that the facilities in question were intended to support the workers on the business park whereas the proposed dental surgery would be targeting a much wider population.

In response to a request from Cllr D Ambrose Smith, the Case Officer explained the permitted use classes on the business park. Permission had been granted in 1994 with restrictions to use classes B1, B2 and B8. In 2020 the naming of use classes had changed; B2 and B8 had been retained but B1 uses now came under E(g) within the wider use class E. Medical and healthcare uses were restricted to use class E(e); this was previously known as D2 and was not one of the use classes in the original planning permission. On the basis of the 1994 planning permission, E(g) uses would be permitted but E(e) would not since they did not fall within the original restrictive condition. Cllr Downey questioned the relevance of the 1994 planning permission since the application was for a new building. The Case Officer explained that the applicant's agent had claimed that a dentist could use any existing building on the business park if one should become available; that assertion was incorrect due to the existing restrictions.

Referring to paragraph 1.1 of the Officer's report, Cllr Every asked why a dentist was considered to be a town centre use and what evidence there was that the relocation of Enhance would cause harm to the vitality of the city centre. She also commented that she considered the practice's current location to be on the outskirts of Ely rather than in the centre. The Case Officer explained that legislation considered dentists to be a town centre use, and that information from the Economic Development Officer had been provided in the report regarding the town centre footfall of visitors to the practice. In addition, the close proximity of the current practice to a pharmacy, a complementary health centre, and a GP practice resulted in a convenient "medical hub".

The Chairman then opened the debate. Cllr Downey recognised the Officer's reasoning for recommending refusal, but considered there to be a strong argument in favour of approving the application since the location was within cycling and walking distance of Ely and would enhance the local area and business park. He

therefore proposed that the application should be approved subject to restrictions that would limit the activities to those in the proposal. The Planning Manager confirmed that this could be achieved *via* planning conditions without the need for a separate legal agreement.

Cllrs Stubbs and Every also recognised the Officer's work and the difficult task of balancing planning policies. They considered it to be important to support successful local businesses to stay in the area, bringing in more jobs, and considered that the applicant's current site was no longer fit for purpose.

Cllr D Ambrose Smith also spoke in favour of the application but expressed concern about the use restrictions in Cllr Downey's proposal because he did not want to prevent the business from being able to develop further. Cllr Wilson agreed that the business should be facilitated to continue their excellent work. Cllr Hunt spoke of the importance of ensuring that the proposed building was only used for purposes that were suitable for the business park, and therefore it would be important to place restrictions on its potential future uses. Cllr Downey sought and received confirmation from the Planning Manager that a future planning application could be submitted for consideration if an occupant wanted to expand into a different use class, and consequently confirmed that he did not wish to amend his original proposal.

It was resolved unanimously:

That planning application ref 21/01694/FUL be APPROVED on the grounds that it was not considered to be contrary to policies COM1, COM3, COM8 and EMP1.

It was further resolved:

That the Planning Manager be given delegated authority to impose suitable conditions, including restricting the permitted activities to those detailed in the application: office, research and development, and healthcare services.

**85. 22/00037/FUL – LAND WEST OF SAUNDERS PIECE, ELY ROAD, LITTLE THETFORD**

Toni Hylton, Senior Planning Officer, presented a report (W172, previously circulated) recommending approval of an application seeking permission for the change of use of land to a mix of Gypsy and Traveller residential and equestrian, with the siting of three pitches to provide two mobile homes, two touring caravans, and one day room per pitch. Each pitch would also have two paddocks and a set of stables with a tack room. The proposal also included a new access located off a lay-by on the A10. Since publication of the Officer's report, a pre-commencement condition had been requested by the Internal Drainage Board (IDB), to read "*No development shall take place until a scheme to dispose of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation and maintained in perpetuity.*" This condition would replace condition 7 in Appendix 1 of the report.

Members were shown a location plan and aerial view of the application site, which had an operational camping and caravan site to its east and farmland to the west. A block plan illustrated the proposed layout of the site, elevations were provided for the day rooms and stables, and photographs showed the existing condition of the site.

The main considerations for the application were deemed to be:

- **Need** – the proposed occupiers had Traveller status and, although the Council did not have an extensive waiting list for Council Traveller sites there were a couple of applications for pitches. There was a very low known need for additional Traveller pitches but it was considered that there was likely to be “unknown need” and therefore it could not be demonstrated that there was no need. The proposed development was therefore considered to comply with policy HOU9.
- **Visual amenity** – due to the year-round operation of a camping and touring caravan site immediately adjacent to the application site, the presence of caravans in the locality was an established feature. The land level, fencing and trees of the application site were also comparable to the adjacent site, meaning that the visual prominence was likely to be low. The proposal would not harm any heritage assets.
- **Access** – the site would be accessed from a lay-by that already served vehicular traffic and was used for access to the existing camping and caravan site that operated all year round. The Local Highways Authority had no objections to the proposal, and sufficient vehicle parking was provided. The proposed development was therefore considered to comply with policies COM7 and COM8.
- **Other matters** – the application site was located in Flood Zone 1, the lowest risk zone, where developments of this nature should be located. Contamination investigations and surface and foul water drainage could be secured by condition. The change of use to paddocks and the provision of stables was considered to be an acceptable countryside use causing no significant harm in accordance with policy EMP5. The site’s remote location was the only identified harm which could not be mitigated. However, when compared with the planning permissions for other local sites, the application site was a similar distance from local services and facilities.

In summary, the location needed to be weighed against the need for Gypsy/Traveller plots and the lack of any other identified significant harm. The application was therefore recommended for approval, subject to the recommended conditions, including the revised condition requested by the IDB.

On the invitation of the Chairman, Michael Hargreaves then addressed the Committee as the agent for the applicants. He outlined the proposal and confirmed that he was speaking on behalf of three individual Traveller families. Nationally there was a chronic shortage of Gypsy and Traveller pitches and Government policy was clear that further provision was necessary. The previous needs statement was now out of date and many Local Authorities had commissioned a new statement that would soon be published. In early 2020 the Committee had approved a similar application on the same site with the main difference being that the application under consideration had three double pitches rather than one double pitch with equestrian facilities. The design was such that two thirds of the

site would remain in equestrian and strategic landscape use, and was a high-quality Traveller site in terms of its landscaping and biodiversity enhancements. Visually the site would appear to be an extension of the neighbouring Saunders Piece site and would therefore have limited impact on the countryside. Land prices and lack of local support generally prohibited Traveller sites from being close to villages, and they were therefore inevitably in countryside locations such as the application site. It was noteworthy that there had been no objections from local residents, and he considered that the proposed conditions would address all concerns from the consultation process. In short, the application was for a high-quality scheme in a suitable location and he urged the Committee to approve it.

Cllr D Ambrose Smith commented that he considered the proposal to be an improvement on the previously-approved scheme, but he questioned what would happen to the horse waste generated on-site. With the permission of the Chairman, one of the applicants responded from the public gallery to explain that all manure would be recycled on people's gardens and would not build up in large quantities on-site.

Cllr Hunt asked about the fencing that divided the site from the lay-by and which he understood did not have planning permission. The agent explained that it had been erected to replace some unattractive corrugated fencing but the application scheme included wire fencing and planting as a replacement boundary treatment. If planning permission for the scheme was not granted then the Council would have the right to take enforcement action against the current fencing.

The Case Officer had no additional comments to make, but in answer to a question from Cllr Downey, explained that radon gas was prolific locally so, although Stretham Parish Council had raised concerns about it, the situation was common in the District and a condition was in place requiring investigation of any contamination prior to commencement of development.

The Chairman then opened the debate. Cllr Stubbs expressed concern about the IDB's additional condition which suggested to her that there were potential flooding issues, and about the Environmental Health Scientific Officer's comments regarding contamination. She recognised the need for further pitches but proposed deferring the application in order to address the environmental concerns relating to the site. With the Chairman's permission, the applicants' agent explained that detailed technical advice had been submitted regarding surface and foul water drainage, and he understood that the purpose of the IDB's condition was simply to ensure that appropriate strategies were in place prior to commencement of the development. The Planning Manager added that the condition was a standard wording that was applied to most planning applications.

Cllr Every supported the Case Officer's conclusions and proposed that the application be approved subject to the conditions detailed in the report and the additional condition highlighted in the Officer's presentation. Cllr Wilson seconded the proposal.

Cllr Hunt seconded Cllr Stubbs motion for deferral. He highlighted his concerns regarding the lack of street lighting and stated that he considered it would be dangerous for residents to turn right out of the lay-by onto the A10 to reach the

nearest shops. Cllr Wilson then referenced the lack of concerns or objections from the Local Highways Authority.

As the first proposal to have received a seconder, the motion to approve the application was put to the vote.

It was resolved with 8 votes in favour, 2 votes against, and 0 abstentions:

That planning application ref 22/00037/FUL be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report, with condition 7 being replaced by *"No development shall take place until a scheme to dispose of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation and maintained in perpetuity."*

**86. 22/00042/FUL – 1 LINK LANE, SUTTON, ELY, CB6 2NF**

Isabella Taylor, Planning Officer, presented a report (W173, previously circulated) recommending refusal of an application seeking permission to convert and extend an existing garage and workshop to create an annexe containing a living area, kitchen, dining area, bedroom and bathroom. Permission was also sought to raise the existing garage roof to create a sloped roof for additional internal head height. Cllr Dupré had requested that the application be considered by the Committee in order to ensure consistency in decision-making regarding annexes.

The Case Officer drew Members' attention to a document of amended tables that had been circulated the previous day and revised the square feet measurements contained within the report. The square metre values in the report had been correct and were therefore unchanged in the new document.

Members were shown a location plan, aerial and site photos, and a site plan, all demonstrating the site's location on a prominent corner plot in a residential location. Existing and proposed floor plans and elevations illustrated the proposed changes and highlighted the existing structures' subservience to the host dwelling by virtue of the low, flat roof in contrast to the taller sloped roof of the proposed annexe. It was also noted that the proposed roof sloped up towards the neighbouring property rather than towards the host dwelling. The proposal was not considered to represent good architecture or be sympathetic to the existing street-scene.

The main considerations for the application were deemed to be:

- **Excessive scale** – The dimensions of the existing garage and proposed annexe were provided to further illustrate the noticeable changes when compared to the existing structures, and to emphasise the loss of subservience to the host dwelling. In terms of overall floor area, the proposal was similar to the minimum national standards for a 2-bedroom 3-person dwelling although its garden size would not be considered appropriate for a new dwelling.
- **Independent self-contained unit** – an annexe was, by definition, intended to be reliant on the host dwelling, whereas the proposal included all facilities necessary to function as an independent dwelling. The design included a kitchen with dining area, living room, bedroom, bathroom, storage and front

and back doors. The utility meters would, however, be shared with the host dwelling.

- **Impacts on neighbouring amenity** – the proposal would increase the roof height and the depth of the built structure, both of which would negatively impact the neighbouring property since the proposed annexe was immediately adjacent to the boundary.

In summary, the proposal was considered to be excessive in scale, appropriate for use as a self-contained unit rather than being reliant on the host dwelling, and damaging to neighbouring amenity. It was therefore considered to be contrary to policies NP3 of the Sutton Neighbourhood Plan and ENV1 and ENV2 of the Local Plan 2015, and was recommended for refusal.

On the invitation of the Chairman, the Democratic Services Officer read aloud the statements supplied by the applicant's agent and the Ward Councillor in support of the application.

Statement from Edward Clarke, agent for the applicant:

*"Thank you Chair and Members.*

*According to the officer report the concerns relate to whether the annexe could be used as a separate dwelling and residential amenity in respect of 3 Link Lane, Sutton.*

*As of yesterday, the officer's report contained a large number of errors. Whilst I requested the report be amended so that it is an accurate representation of the proposal, I thought it necessary to provide an accurate summary of the proposal.*

*The proposal is to convert the existing single storey garage to an annexe which will be occupied by the applicant and his partner. The applicant's son will reside in the host dwelling and help care for the applicant.*

*The footprint of the existing garage is 51.9 square metres, the footprint of the proposed annexe is 60.7 square metres – an increase in floor area of 8.8 square metres, which is a modest increase of 14%.*

*The annexe will share the following with the host dwelling: all utility connections, utility meters, vehicular and pedestrian access, post box, parking spaces; and private amenity space. As such, there would be a clear functional relationship between the annexe and host dwelling, which, as demonstrated by the planning analysis of approved annexe applications in East Cambridgeshire, reinforces the acceptability of the proposal. This is further backed up by recent appeal decisions within the district and case law.*

*In short, the annexe could not and will not function as a separate dwelling.*

*In response to the case officer's residential amenity comments, the garage exists and has a roof height of approximately 2.3m which is 500mm above the existing 1.8 metre fence separating the application site from 3 Link Lane.*

*The proposal will increase the height of the roof by 800mm at the highest point, sloping down to an increase of approximately 200mm; this is to provide sufficient head room and a source of natural light.*

*It should be noted that the existing garage on the neighbouring site blocks almost 50% of the views of the proposed annexe.*

*The neighbour at 3 Link Lane was formally consulted and raised no objections or concerns to the proposal.*

*The proposed annexe sits more than a metre below the surrounding built form and has been designed to be subservient to the host dwelling and neighbouring dwelling. Therefore, the proposed annexe will not create overshadowing or have an overbearing impact on any neighbouring dwellings.*

*To conclude, the proposal has received no objections or concerns but in fact support from local residents and councillors.*

*The proposed use and occupancy of the garage as an annexe for the applicant and his partner could be restricted by a suitably worded planning condition. Whilst I recognise that such a condition could be breached, this principle is comparable to many occupancy conditions. No compelling reasons have been advanced to demonstrate that such a condition could not be monitored and readily enforced.*

*I reiterate my full support for the proposal and trust that this modest and necessary application is supported, thereby allowing the applicant to remain on site and receive the care he needs.”*

Statement from Cllr Lorna Dupré, supported by Cllr Mark Inskip, Ward Members for Sutton:

*“I regret that I am unable to attend this meeting of the Planning Committee as I would very much have wished to attend and speak in support of this application.*

*The applicant wishes to convert an outbuilding and a small amount of additional covered space into an annexe to his existing property. The annexe will be used as ancillary accommodation by the applicant, while the primary dwelling will be occupied by the applicant’s son (caregiver).*

*The case officer has given two reasons for the recommendation of refusal.*

- 1. That the proposal ‘by virtue of its scale and massing is considered to be a self-contained unit and not an annexe that relies on the host dwelling for its services’.*
- 2. That the proposal would ‘have an adverse impact on number 3 Link Lane by virtue of overshadowing and being overbearing’.*

#### *1. Self-containment*

*The annexe will contain one bedroom, a bathroom, a dining and basic kitchen area, a living room, and domestic storage space. It will be no bigger than required for these basic functions.*

*The annexe is intended to be integral to the host property, with shared utility connections and meters, shared post box, shared vehicular access, shared parking facilities, and shared front garden and rear garden space. It is by every definition complementary and ancillary to the host dwelling.*

*The applicant's agent has compiled an excellent analysis of this council's approach to the consideration of planning applications for annexes. This repays close reading, not just in association with this application, but more generally.*

*This analysis considers nine applications for annexes approved by officers under delegated powers, and four recent applications where this council's refusal was overturned at appeal. It is clear that a series of planning inspectors have not been persuaded by the same arguments used over and over again by this council in refusing applications.*

*This application is near identical or very similar to applications approved by officers under delegated powers at:*

- 18 Spring Close, Burwell (21/00561/FUL)*
- 7 St Andrew's Close, Isleham (21/01642/FUL)*
- 48 Swaffham Road, Burwell (20/01271/FUL)*
- Milfoil Lodge, 3 Haddenham Road, Wilburton (21/01274/FUL)*
- The Mill House, Brinkley Road, Burrough Green (21/00955/FUL)*
- Amber House, 3 Laurel Close, Mepal (21/00109/FUL)*
- Cross Green House, Soham (20/00214/FUL)*
- 42 Dovehouse Close, Ely (18/008126/FUL)*
- Arden Barn, 10 Tea Kettle Lane, Stetchworth (18/00477/FUL)*

*I listed in my reasons for calling in this application the four cases in which annexes were allowed at appeal, following refusal by this authority, and some of the inspectors' comments in those cases. These are published in the case officers' report and demonstrate that the argument on the grounds of self-containment holds no water.*

## *2. Overshadowing and overbearing*

*I hope members will note that, as the case officer's report states, no objection whatsoever has been received from the resident at number 3 Link Lane in regard to this application.*

## *Conclusion*

*It is clear from the above that the first ground on which this application is recommended for refusal has been repeatedly and systematically rejected by planning inspectors. It would therefore seem perverse yet again to refuse yet another application on the same ground, and force the applicant yet again to pursue a lengthy appeal route to the same conclusion.*

*The second ground is not one that appears to have concerned the household it is alleged to affect.*

*I urge members of the Planning Committee to allow this application."*

The Chairman invited additional comments from the Case Officer and then questions from Members. The Case Officer explained that, in terms of floor space, the existing garage and workshop occupied 31 sqm whereas the proposed annexe covered 60.7 sqm; Officers had attempted to work with the applicant to reduce the size by approximately 15 sqm which would have been more likely to gain support. Regarding the appeals that had been referenced in the two statements, the differences between those applications and the application under consideration had been highlighted in the Officer's report. The differences included properties that were conversions rather than extensions, and properties that would be significantly harder to separate from the host dwelling than would be the case for the current application.

Cllr Every asked whether the appeals history suggested that refusal of this application would later be overturned. The Case Officer explained that there could be no guarantees, but in most cases those applications had been situations such as conversions of existing buildings or located in rear gardens. An annexe at 3 Nunns Way, Sutton, had been referenced as an appropriate comparison but that application had been for a conversion of an existing building and represented only 33% of the size of the host dwelling.

Cllr D Ambrose Smith commented that the Officer's presentation had made clear to him the impact of the proposed height of the annexe and its proximity to the neighbouring property. He questioned whether the proposed annexe would be viewed more favourably if it was attached to the host dwelling. The Case Officer commented that when annexes were joined to their hosts there was a more obvious functional link.

Cllr Jones drew attention to the discrepancy between the Officer's figures and the agent's figures for the existing footprint. The Case Officer explained that the agent had included the floor area for the covered storage area at the rear (but not the car port at the front) whereas she had not included the storage area since it was not a fully enclosed structure. Cllr Jones questioned whether the proposed annexe could be a gateway to an independent dwelling, and how often that situation occurred. The Planning Manager explained that the Council relied on members of the public to report breaches of planning conditions and therefore some annexes did, over time, acquire a certificate of lawfulness to become an independent unit of accommodation by breaching the condition for 10 years without challenge. The Planning Team Leader added that for total control a legal agreement was required rather than a planning condition.

Cllr Hunt questioned whether any pre-application advice had been sought by the applicant, and asked for more details about the parking situation. The Case Officer confirmed that there had been no request for pre-application advice, and car parking was proposed in front of the host dwelling and the annexe, therefore there would be potential for the parking for the two buildings to be separated in future.

The Chairman then opened the debate. Cllr C Ambrose Smith stated that she did not consider the size to be overly large but the design was unattractive and a better proposal could have been forthcoming, for example by extending the existing bungalow.

Cllr Hunt proposed that the application be refused, in line with the Officer's recommendation. Cllr Stubbs seconded the proposal and commented that it was unfortunate that the applicant had not worked with the Officer to revise the proposal.

Cllr Jones disagreed, and considered that Cllr Dupré's statement had included valid points regarding a lack of consistency in dealing with applications for annexes. He did not consider that there would be a substantial impact on the street-scene although the direction of slope of the roof would have been better away from the neighbour rather than towards it, and there had been no objections from neighbours. He therefore proposed that the application should be approved. Cllr Downey agreed, and seconded the proposal. He did not consider that the presumption should be made that there would be a breach of the restriction to use it as an annexe, and the proposal was reasonable with no good reasons for refusal.

As the first proposal to be seconded, Cllr Hunt's proposal to refuse the application was put to the vote.

It was resolved with 6 votes in favour, 3 votes against, and 1 abstention:

That planning application ref 22/00042/FUL be REFUSED for the reasons detailed in paragraph 1.1 of the Officer's report.

#### **87. PLANNING PERFORMANCE REPORT – FEBRUARY 2022**

Rebecca Saunt, Planning Manager, presented a report (W174, previously circulated) summarising the performance of the Planning Department in February 2022.

In response to a question from Cllr C Ambrose Smith, the Planning Manager explained that workloads remained very high and applications were increasing as was usual for the time of year. A full-time agency worker had joined the department on 1<sup>st</sup> April on a short-term basis to assist with the backlog of applications.

Cllr Every thanked the department for their handling of a recent enforcement issue that had been skilfully resolved in a manner which was positive for both parties.

It was resolved:

That the Planning Performance Report for February 2022 be noted.

*The meeting concluded at 5:30pm.*

**21/01536/FUL**

Low Bank Farm

Low Bank

Mepal

Ely

Cambridgeshire

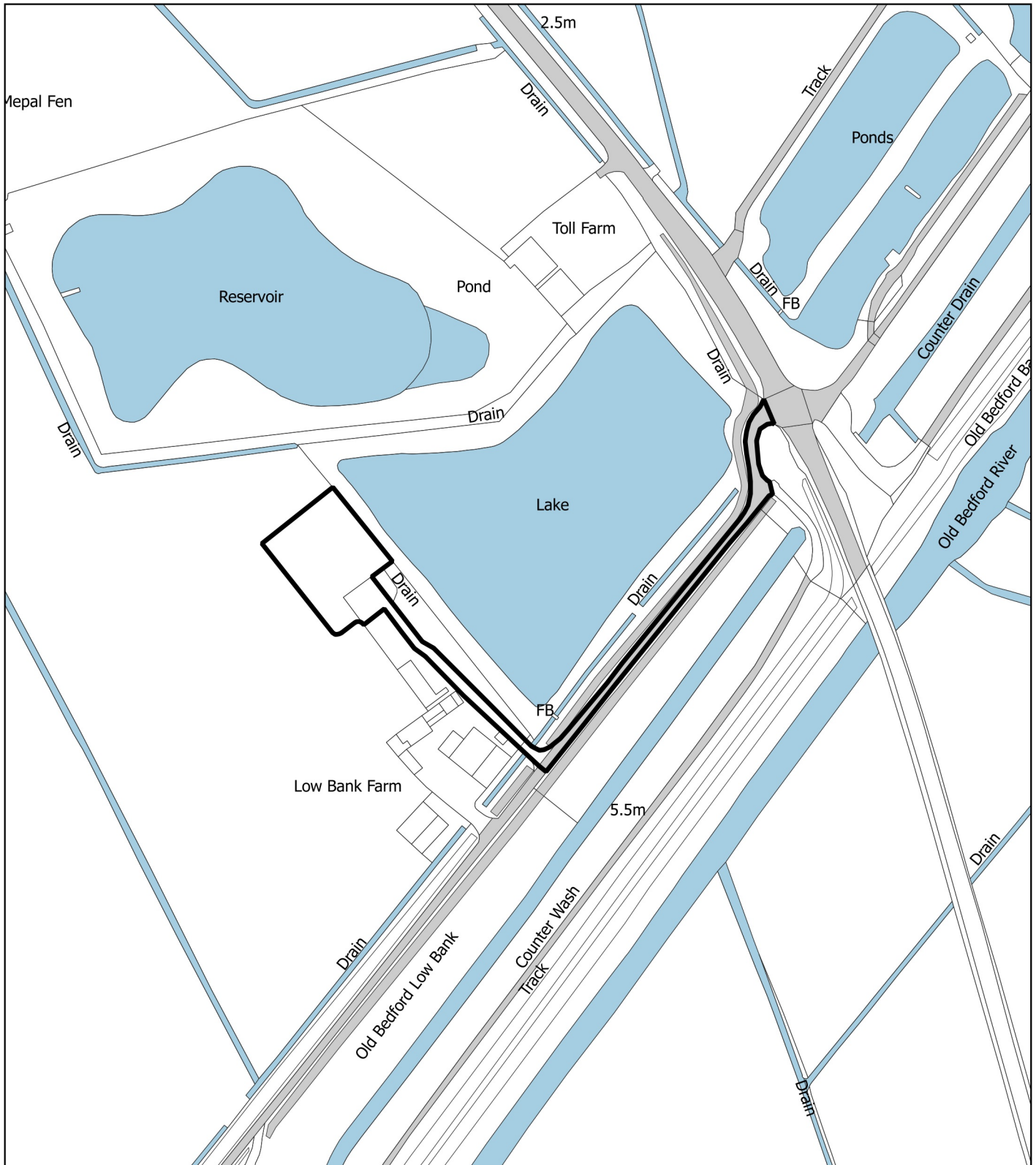
CB6 2AU

Construction of residential dwelling

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R19WWMGGH2500>





21/01536/FUL

Low Bank Farm  
Low Bank  
Mepal



East Cambridgeshire  
District Council

Date: 20/04/2022  
Scale: 1:2,500



© Crown copyright.  
All rights reserved 100023279 (2022)

---

**MAIN CASE**

**Reference No:** 21/01536/FUL

**Proposal:** Construction of residential dwelling

**Site Address:** Low Bank Farm Low Bank Mepal Ely Cambridgeshire CB6 2AU

**Applicant:** Mr E Veal

**Case Officer:** Molly Hood Planning Officer

**Parish:** Mepal

**Ward:** Sutton  
Ward Councillor/s: Lorna Dupré  
Mark Inskip

**Date Received:** 20 October 2021      **Expiry Date:** 6<sup>th</sup> May 2022  
**Report Number W180**

---

**1.0**      **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE the application for the following reasons:
- 1 In accordance with policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 development outside of defined development boundaries will be strictly controlled having regard to the need to protect the countryside. Development will be restricted to the main exception categories listed in policy GROWTH 2, providing there is no significant adverse impact on the character of the countryside. The proposal sits outside of the defined development envelope for Mepal and fails to meet the criteria of policy HOU 5. The application fails to demonstrate an essential need for a rural workers dwelling on the site with the justification of security, the existing fishing lake or loss of tenancy not suitable as essential need. Furthermore, it hasn't been demonstrated that the other requirements of policy HOU 5 have been met. Low Bank Farm has been in operation for a number of years providing the storage, arable operations and livestock aspects of the business without the onsite accommodation. Whilst it is understood the applicant has a pending tenancy expiry, there hasn't been the essential need demonstrated and the application fails to meet the requirements of policy HOU5 and consequently GROWTH 2 and the National Planning Policy Framework.
  - 2 The proposed dwelling, which is classified as a 'more vulnerable' development in Annex 3 of the NPPF, would be sited within Flood Zone 3 as identified by the

Environment Agency flood zone maps, where the Sequential Test must be passed for the development to be approved. The application fails to pass the Sequential Test as there are reasonably available sites elsewhere within the Parish of Mepal or Sutton with a lower probability of flooding. Therefore, the proposal is contrary to policy ENV 8 of the East Cambridgeshire Local Plan, the Cambridgeshire Flood and Water SPD, the provisions of the Planning Practice Guidance on Flooding and Coastal Change and the National Planning Policy Framework.

- 3 The proposal by virtue of the its design, layout and scale would introduce a visually dominant form of development. The design and layout of the dwelling is not sensitively designed to the rural surroundings as the set back location from the cluster of agricultural buildings (approx. 46m) separates the property and results in built form being extended further into the countryside. The dwelling will be very exposed to the countryside to the north and west, as such having a harmful prominence which also extends to Mepal Long Highway and the public footpath. The proposal is considered to be of a scale, design and includes minimal landscaping which will not result in positive, complementary relationships with existing development or the countryside. As such the proposal is considered to be contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and Chapter 12 of the National Planning Policy Framework.

## 2.0 SUMMARY OF APPLICATION

- 2.1 Permission is sought for the construction of an agricultural workers dwelling to the north-west of the existing agricultural buildings forming part of Low Bank Farm. The proposed dwelling will measure 19.1m (62.6ft) in length, 10.1m (33.1ft) in depth and will have a ridge height of 8m (26.2ft).
- 2.2 The application has been called into Planning Committee by Councillor Dupré as it was considered the development requested would re-establish a dwelling on Low Bank Farm which would have multiple benefits. A dwelling on this site, where the applicant has been farming for some time, will provide security not just for his own agricultural operations on this site, but also for the neighbours. No adverse environmental effects have been suggested, and the parish council has no objections to this completely proportionate, sympathetic, and sustainable application.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

## 3.0 PLANNING HISTORY

### 3.1

21/00417/FUL	Construction of 1no. four bedroom, two storey detached dwelling and garage	Withdrawn	18.06.2021
--------------	--	-----------	------------

#### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is situated outside of the defined development envelope for Mepal and within an area of countryside. The site is situated within Flood Zone 3 and the access road to the site is situated within a SSSI. A public right of way runs along the south-east boundary of the site. Existing on the site is a collection of agricultural buildings, including a potato and a grain store. To the north-east of the site is a large fishing lake and to the north-west is an open agricultural field.

#### 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 - 5 November 2021**

Mepal Parish Council have no objection to the application.

**Ward Councillor Dupré – 20 February 2022**

The development requested would re-establish a dwelling on Low Bank Farm which would have multiple benefits. The applicant will shortly be required to move away from the holding outside the district on which he currently lives. A dwelling on this site, where the applicant has been farming for some time, will provide security not just for his own agricultural operations on this site, but also for the neighbours who positively welcome the reassurance of a new dwelling in this location. It will enable Low Bank Farm to continue to benefit the local community. No adverse environmental effects have been suggested, and the parish council has no objections to this completely proportionate, sympathetic, and sustainable application.

**Minerals And Waste Development Control Team - No Comments Received**

**ECDC Trees Team - 24 December 2021**

No tree related objections to the application but a detailed soft landscaping scheme will be required that should take into consideration the sites rural location and use appropriate plants such as including native species hedging for boundaries. The soft landscaping can be provided by condition and it must include the following information:

- 1) A scaled plan showing existing vegetation, tree trunks & canopy details of trees retained & tree protection fences shall be identified on all plans, in accordance with BS 5837:2012, extracted from the Arboricultural Implications Assessment (AIA), to include all trees located within 10m of site boundaries if relevant.
- 2) Location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - a) permeable paving
  - b) tree pit design
  - c) Proposed hard standing and boundary treatments.
- 3) A schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) Specifications for operations associated with plant establishment to include a programme for the timings of the landscape works and maintenance provided, to

ensure successful establishment and survival of new planting and having regard to the timing of the commencement of any development.

A mixed native species hedge would aid the integration of the site in to its surroundings as well as offering better biodiversity benefits and habitat creation, I would recommend a double staggered row with a 20% mix of five species the species I would recommend considering for the hedge are Wayfaring tree (*Viburnum lantana*), Guelder Rose (*Viburnum opulus*), Hazel (*Corylus avellane*), Hornbeam (*Carpinus betulus*), Hawthorn (*Crataegus monogyna*) or Field Maple (*Acer Campestre*).

### **Environment Agency – 21 April 2022**

In accordance with the National Planning Policy Framework (paragraph 158), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. Our flood risk standing advice reminds you of this and provides advice on how to apply the test.

By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the Sequential Test.

### **FLOOD RISK**

We have no objection to the proposed development, providing that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) (ECL0326, October 2020) are adhered to. In particular, the FRA recommends that:

- Finished floor levels will set no lower than 1.9 mAOD.
- Flood resilient measures will be incorporated into the development up to 300 mm above finished floor levels.

### **Advice to LPA**

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The planning practice guidance to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and

the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

We have considered the findings of the flood risk assessment in relation to the likely duration, depths, velocities, and flood hazard rating against the design flood for the proposal. We agree that this indicates that there will be

- A danger to most people (e.g., there will be danger of loss of life for the general public).

This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your emergency planners and the emergency services to confirm the adequacy of the evacuation proposals.

#### Advice to applicant

Any proposed flood resilient measures should follow current Government Guidance. For more information on flood resilience techniques, please see the Department for Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings – Flood Resilient Construction, 2007

The Environment Agency operates a flood warning system for existing properties currently at risk of flooding to enable householders to protect life or take action to manage the effect of flooding on property. Receiving the flood warnings is free; you can choose to receive your flood warning as a telephone message, email, fax or text message. To register your contact details, please call Floodline on 0345 988 1188 or visit <https://www.gov.uk/sign-up-for-flood-warnings>.

Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. We are unable to comment on evacuation and rescue procedures for developments. Advice should be sought from the emergency services and the Local Authority's emergency planners when producing a flood evacuation plan.

All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used.

Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer. If soakaways are proposed for the disposal of uncontaminated surface water percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Building Control. The maximum acceptable depth for soakaways is 2 metres below existing ground level. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.

Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies.

The applicant's attention is drawn to DETR Circular 03/99 which requires an applicant to demonstrate that a connection to the public foul sewer is not available. In the eventuality of a connection to the public foul water sewer not being available, the suitability of any non-mains sewerage systems, particularly those incorporating

septic tanks, must be effectively demonstrated by the applicant to the satisfaction of the Local Planning Authority.

**Waste Strategy (ECDC) - 11 November 2021**

The current arrangement for waste collection requires residents to present waste by the A142 and this would be applicable for the new property and this should be made clear to any prospective purchasers in advance.

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

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

**Local Highways Authority - 4 November 2021**

No objection to this application. The site benefits from an existing access to the A142 which will be capable of serving the new dwelling. There is also sufficient space on site for parking of two vehicle and turning.

To access the new dwelling, visitors will need to travel long distances along Mepal Long Highway which is single track width only with minimal passing opportunity. Due to the nature of road this is unlikely to be of concern.

I recommend consulting with East Cambridgeshire District Council waste team to confirm acceptability of waste collection arrangements as a refuse vehicle will not be able to serve the dwelling.

I also recommend consulting with the area's Definitive Map Officer at Cambridgeshire County Council to ensure that any potential impacts to Mepal Public Footpath no.4 along Mepal Long Highway are acceptable.

**Natural England - 8 November 2021**

Thank you for your consultation on the above dated 22 October 2021 which was received by Natural England on 22 October 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**SUMMARY OF NATURAL ENGLAND'S ADVICE**

Please refer to Natural England's letter dated 12 July 2019 (copy attached) regarding appropriate consideration of recreational pressure impacts, through relevant residential development, to sensitive Sites of Special Scientific Interest (SSSI) Natural England's generic advice on other natural environment issues is set out at Annex A.

Ouse Washes Site of Special Scientific Interest (SSSI)

The IRZ for Ouse Washes SSSI has been triggered for discharges. The planning application indicates foul sewage will be disposed to a Package Treatment Plant. Please refer to the attached guidance note for potential impacts to the above site from discharges.

#### Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website. Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

#### **Cambridge Ramblers Association - No Comments Received**

##### **Asset Information Definitive Map Team - 4 November 2021**

The access road to the site runs along Public Footpath No. 4, Mepal. To view the location of the footpath please view our interactive mapping online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

Whilst the Definitive Map Team has no objection to this proposal, the applicant should be aware of the presence of the public footpath, its legal alignment and width. If they require a copy of the Definitive Map & Statement, this can be requested online for a fee at [www.cambridgeshire.gov.uk/highwaysearches](http://www.cambridgeshire.gov.uk/highwaysearches).

The footpath must remain open and unobstructed at all times. Building materials must not be stored on the Public Right of Way and contractors' vehicles must not be parked on it. Should they need to temporarily close it for safe works, you should apply to the Streetworks Team online at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highway-licences-and-permits>.

Recommended informative.

##### **Cambs Wildlife Trust - 15 November 2021**

This advice is provided in accordance with the Service Level Agreement between East Cambs District Council and the Wildlife Trust BCN, for the provision of ecological advice in relation to planning cases.

I have reviewed the HRA Screening and have no comments to make on this application.

- 5.2 A site notice was displayed near the site on 5 November 2021 and a press advert was published in the Cambridge Evening News on 28 October 2021.
- 5.3 Neighbours – One neighbouring property was notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

- We expressed support for the earlier application 21/00417/FUL and we similarly support the present one.
- Our property shares the same access drove from the application site and is about 200m from the application site.
- Positively welcome the re-establishment of a dwelling on Low Bank Farm and the added reassurance from an additional residential presence.
- Appears the proposal would be entirely appropriate to the need and fitting in the local landscape.
- Understand planning permission for an ordinary residential development would not normally be granted for a site outside the development envelope, however the circumstances here fully justify the grant of permission. As the applicant currently lives on a hold elsewhere, which he will in due course be obliged to vacate, but much of land he will continue to farm lies in this area.
- The application site as a lock-up is subject to severe and inherent security problems (which are indeed a concern to us also). These will be resolved if those who operate the holding are able to live on-site.
- We understand there were one or more dwellings there until some 50 years ago.
- The continuation of Low Bank Farm as an agricultural unit will help to maintain a healthy mix of sizes of holdings in the area which we believe is important for the local community.
- The site has ready access on foot to facilities in the centre of Mepal, a distance of about 1,300m by the nearest available pedestrian route, which we ourselves regularly use.
- The visible presence of a dwelling on the application site could also be a deterrent to fly-tipping and litter.
- Natural England's response to the present application appears to be more a check-list than a specific comment on the current proposal. The documents supporting the application appear to remove any possibility of detriment to wildlife from the proposed development. We understand that the Ouse Washes Site of Special Scientific Interest may formally extend to include the area of the Low Bank drove. It is hard to see how the proposed development could have any adverse impact whatsoever on the SSSI.
- Understand the need for local planning authorities to be cautious in permitting exceptions to the general prohibition of new dwellings in open countryside, especially on agricultural grounds. However, we believe that if councillors examine the full facts of the present proposal they will recognise that it fulfils a genuine agricultural need falling within the terms of the policies in the current development plan, and would be positively beneficial to the local community and economy.
- Once the applicant has been obliged to vacate his County Farm holding, including his present dwelling house, at Trinity Farm, March, his agricultural unit will then total 990 acres, partly owned and partly rented; the application site, Low Bank Farm, is only a small part of that unit. There is no existing dwelling at Low Bank Farm or on any of the applicant's other remaining land. There is no building capable of adaptation as a dwelling, either at Low Bank Farm or on any of the applicant's other remaining land. The settlement nearest to the major part of his holdings is the village of Mepal. Even if a dwelling were to become available there, it would be much too far

away from the applicant's holdings for surveillance of costly equipment to be exercised from that distance. No properties there are likely to have space for parking of such bulky equipment within the curtilage, and it would clearly be unacceptable for it to be parked on the adjoining highway.

- Present-day agriculture requires bulky, technologically sophisticated, costly equipment. Some of the most costly components are quite readily removable. It is therefore essential for a worker to be close at hand when the equipment is parked, to prevent theft. At present the applicant exercises this essential surveillance by parking the equipment at his dwelling at Trinity Farm. This is a matter of essential need, not mere business convenience.
- The dwelling is to be the sole farmhouse and headquarters of an agricultural business extending to 990 acres, and accordingly needs to be on the scale of a substantial family home, not just a basic dwelling for an agricultural worker. The building would be no more prominent in the landscape than our own dwelling of comparable size close nearby.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
HOU 5	Dwellings for rural workers
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

### 6.2 Supplementary Planning Documents

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

### 6.3 National Planning Policy Framework 2021

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

### 6.4 Planning Practice Guidance

## 7.0 PLANNING COMMENTS

- 7.1 The main considerations of this application are: principle of development, the essential need for an agricultural workers dwelling, impact on highway safety, residential amenity, flood risk, biodiversity and the visual appearance and character of the wider area.
- 7.2 An application was previously submitted for an agricultural workers dwellings on the site for a similar design and for the same application, however this was withdrawn, (21/00417/FUL).
- 7.3 Principle of Development
- 7.3.1 Policy GROWTH 1 identifies the level of growth required within the district over the Local Plan Period. This includes the housing requirement for the district. Policy GROWTH 1 is accepted by the Council as being out-of-date as it uses an out of date housing requirement figure, and consequently this has triggered the preparation of the 'single issue review' of the Local Plan, in order to bring GROWTH 1 back in date. That updating of the policy remains at a relatively early stage, and therefore little weight should be given to its emerging content.
- 7.3.2 Policy GROWTH 2 of the Local Plan 2015 provides the locational strategy for development within the district and provides a hierarchy for the location of housing development. That hierarchy seeks to focus the majority of development on the market towns of Ely, Soham and Littleport. It provides for more limited development within villages with a defined development envelope. The policy states that outside defined development envelopes, development will be strictly controlled to protect the countryside and the setting of settlements and will be restricted to the exceptions listed within the policy.
- 7.3.3 The weight to be given to policy GROWTH 2 is a matter of judgement for the decision maker. An important factor is the consideration of whether the Policy is "out of date" and the allied question of whether the policy is consistent with NPPF for the purposes of NPPF 219. Applying national policy, there are three main reasons it could be out of date, as follows:
- (a) If the Council cannot demonstrate a Five Year Land Supply (NPPF 11d, footnote 8) This is not the case. The Council can demonstrate a healthy supply of deliverable homes, well in excess of five years' worth, and this position has persistently been agreed by recent Inspector appeal decisions;
  - (b) If the Council 'fails' the Housing Delivery Test. This is not the case. The Council presently sufficiently 'passes' the Test; or
  - (c) If the Policy is considered 'out of date' on a separate basis. This has been defined by the Courts as "have been overtaken by things that have happened since it was adopted, either on the ground or in some change in national policy, or for some other reason (*Bloor v SSCLG* [2014] EWHC 754 (Admin); [2017] PTSR 1283). However the courts have further noted "The acid test in relation to whether or not a policy is out of date is, it will be recalled, the extent to which it

*is consistent with the Framework.” (Gladman Developments Limited v SSHCLG and Central Bedfordshire [2019] EWHC 127 (Admin), [34]). Datedness will always be a “case-sensitive exercise” (Gladman, [36]) and will “encompass the manner in which a policy operates in relation to the determination of a particular application” (see *Ewans v Mid Suffolk District Council* [2021] EWHC 511, [47]).*

- 7.3.4 The Council has considered the approach taken in recent appeal decisions, noting that each case must always turn on its specific facts.
- 7.3.5 In APP/V0510/W/21/3282449 Land to the North East of Broad Piece, Soham (dated 11 February 2022), the Planning Inspector found that policy GROWTH 2 was out-of-date in respect of a proposal for housing on the edge of Soham, a market town identified as a location for growth. That site was also within a broad location for housing (identified in the supporting text to policy GROWTH 4), where housing was anticipated to come forward during the Local Plan period (2011-2031). He concluded that as the housing requirement in GROWTH 1 was out of date and therefore uncertain, it was not clear that adequate housing could be provided in settlements and via allocations. The Inspector found that general objectives of GROWTH 2 “to manage patterns of development and protect the setting of settlement were good ones” and consistent with the NPPF, however in the specific location of the Appeal Site he found that continued strict application of GROWTH 2 was not justified given that the Local Plan anticipated housing in that location and at the market towns. The Inspector also gave weight to the fact that, while outside the development envelope for Soham, the proposal was considered to comply with the development plan as a whole, including the location of the development at one of the three market towns, consistent with GROWTH 2. It is important to appreciate that this was a case where no other development plan conflicts were identified, including notable in respect of landscape. The Inspector therefore did not have to consider these specific wider considerations in assessing the datedness of the policy and its consequent consistency with NPPF.
- 7.3.6 Elsewhere recent Inspectors have found policy GROWTH 2 up-to-date, albeit in respect of proposals for housing on the edge of villages (i.e. not market towns) with such settlements falling lower down the locational strategy hierarchy detailed within GROWTH 2.
- 7.3.7 The application site is situated outside of the defend development envelope for Mepal. In accordance with GROWTH 2 areas outside development envelopes are strictly controlled having regard to the need to protect the countryside. Due to the application sites location and the proposal being for a rural worker dwelling it will need to meet the requirements of policy HOU 5 which forms one of the exemptions under policy GROWTH 2. Furthermore, the development must not result in adverse impacts on the character of the countryside. Therefore, the application is assessed under the policy ‘dwellings for rural workers’, which is considered to be one of the most important policies relevant to the assessment and determination of this application.
- 7.3.8 It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application.

## 7.4 Applying the Development Plan Policies

7.4.1 The Council considers the 'basket' of most important policies, all of which are not out of date, for determining this application are:

GROWTH 2	Locational strategy
HOU 5	Rural workers dwellings
ENV 1	Landscape and settlement character
ENV 2	Design

7.4.2 It is established nationally that one potential way for the tilted balance to apply under Paragraph 11(d) of the NPPF, is for the most important policies to be out of date. That does not mean one policy being out of date, but means the basket is out of date. It means the basket when taken as a whole, is out of date, likely on the basis that more than half of the policies are demonstrated to be out of date. Of the above listed policies, this is clearly not the case.

7.4.3 In relation to policy GROWTH 2 of the Local Plan, the Council considers that this policy is not out of date as explained in section 7.3 of this Committee Report. Policy HOU 5 remains in date and in accordance with the National Planning Policy Framework, in particular paragraph 80 which seeks for decisions to avoid the development of isolated homes in the countryside unless it meets the circumstances, namely a):

*a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*

7.4.4 In relation to policies ENV 1 and ENV 2 of the Local Plan, whilst these policies predate the current NPPF, the general principles of protecting the landscape and respecting context are consistent with the objectives of paragraph 130 of the NPPF, namely b) and c):

*"Planning policies and decisions should ensure that developments:*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including their surrounding built environment and landscape setting, while not preserving or discouraging appropriate innovation or change".*

7.4.5 Furthermore, the general principle of policy ENV 8 seeking for placement of new development in areas of a low flood risk (Flood Zone 1) and the application of the sequential and exceptions tests is considered consistent with Chapter 14 of the NPPF. In accordance with footnote 7 from paragraph 11 d) of the NPPF the development would still be contrary to the policies of the Framework due to being located in an area at risk of flooding and as such the titled balance wouldn't apply.

7.4.6 It is therefore the Council's view that these policies are fully consistent with the NPPF and should be given full weight in the determination of this planning application and there is no reason to believe that these policies are out of date.

## 7.5 Rural Workers Dwellings

7.5.1 Policy HOU 5 advises that proposals for permanent dwellings in the countryside for full-time workers in agriculture, horticulture, forestry, stud and other rural activities will be permitted as an exception to the normal policies of control where:

- It can be demonstrated that the dwelling is essential to the needs of the business (i.e. there is a need for one or more workers to be readily available at most times).
- It can be demonstrated that the enterprise has been established for at least three years and is, and should remain financially viable.
- There is no other accommodation within the site/holding or nearby which is currently suitable and available, or could be made available.
- A dwelling or building suitable for conversion to a dwelling within the site/holding has not been sold on the open housing market without an agricultural or other occupancy conditions in the last five years.
- The proposed dwelling is no larger than that required to meet the functional needs of the enterprise, nor would it be unusually expensive to construct in relation to the income that the enterprise could sustain.
- The proposed dwelling is sensitively designed and in keeping with its rural surroundings and will not adversely affect the setting of any heritage asset.
- The proposed dwelling will have satisfactory access.
- The proposed dwelling is well landscaped, is sited to minimise visual intrusion and is in close proximity to existing buildings to meet the functional need of the business; and
- Where the proposal involves a new business that cannot yet demonstrate financial soundness, a temporary dwelling (in the form of a caravan, mobile home or wooden structure that can easily be dismantled and removed from the site) may be acceptable provided all the other criteria are met.

7.5.2 Neighbour comments have referenced the applicants need for the new dwelling, due to the ending of the current tenancy at the County Farm holding, the lack of existing dwelling at Low Bank Farm, no capable adaptation of an existing building and no suitable dwellings in the nearest settlement of Mepal. Furthermore, the comments refer to the costly equipment and the need for a worker to be closer to hand to prevent theft or fly tipping. The comments seek for it to be recognised that the proposal fulfils a genuine agricultural need falling within the terms of the policies in the current development plan, and would be positively beneficial to the local community and economy.

### 7.5.3 - Essential Need

The application seeks permission for a new agricultural workers dwellings on the site of an existing farmstead at Low Bank Farm. The site currently forms a collection of agricultural buildings and a fishing lake accessed off Mepal Long Highway. At present there is no dwelling or residential accommodation on the site and the applicant resides at Trinity Farm, March. The application advises that the need for the agricultural workers dwelling is to ensure that the farming business can continue and the businesses future is protected, as the County Council tenancy at Trinity Farm is coming to an end in October 2025.

- 7.5.4 Following review of the Planning Statement additional questions were raised and clarification sought from the applicant. An Addendum was provided and Appendix 2 states the essential need for a worker to be in close proximity to the business is due to loss of crops, produce, livestock emergencies and security. In accordance with policy HOU 5 an essential need has to be demonstrated (this being that one or more workers needs to be readily available at most times). The operations on Low Bank Farm include sheep grazing, arable crops and the commercial fishery, with all of these operations already in practice for a number of years and no one having an essential need to live at Low Bank Farm. In addition, as confirmed by the Planning Statement Low Bank Farm already includes all principle buildings and stores associated with the produce and machinery. Therefore, the site is already well-used for all operations which support the business, with no essential requirement for a dwelling in this location. Arable farming operations are currently across 1062 acres/429 hectares with the farm predominantly running as arable, with only 20 acres/8 hectares for livestock.
- 7.5.5 The scale of the livestock is not so significant that single or multiple members of staff are required to be on site and readily available for either the sheep or fishing lake. Arable operations do not require on site accommodation and can be managed off-site. Furthermore, the loss of tenancy or security do not form an essential need for a new permanent dwelling on the site, when the applicant has lived off site throughout their farming of the land. Surveillance of the site can be managed in other means and there are reservations as to whether the dwelling in its setback position away from the main access or buildings provides the best surveillance. No essential need has been demonstrated for one or more workers to be readily available at most times on the site and as the farm is predominantly arable with existing livestock operations on Low Bank Farm, which have been successfully running without a residence, the proposal is considered to not meet this requirements of policy HOU 5.
- 7.5.6 - Permeance of the Business  
Whilst the statement advises the intention is to increase the livestock numbers, the fundamentals of this application are not submitted on the basis of a new business or a temporary dwelling. Therefore, this would not form adequate justification to comply with HOU 5 or to accept a permanent dwelling in the countryside as this does not form part of the existing operation. The application is assessed on the basis of the existing business which has been in operation for at least 25 years and the Council accepts the business has been established for at least three years in accordance with policy HOU 5.
- 7.5.7 - Existing Buildings  
In Appendix 2 of the Addendum Supporting Document it states that no existing accommodation is present on the site. Neighbour comments have referenced previous properties which were present on the Low Bank Farm site. Appendix 2 also states there were two dwellings until the early twentieth century but these have long since been demolished. As these dwellings are no longer present on the site no weight can be given and the application cannot be assessed under the replacement dwelling policy. Appendix 2 advises that all existing agricultural buildings are used in connection with the applicants farming business and are not suitable for conversion with them likely to require considerable structural works. It has been confirmed in the statement that no building has been sold from the site. As such this detail is considered to fulfil the requirements of policy HOU 5.

#### 7.5.8 - Nearby Accommodation

There still remains minimal evidence that there is no other accommodation within the nearby area which is currently suitable and available or could be made available. Currently the applicant doesn't live at Low Bank Farm and as demonstrated previously the farm is predominantly an arable operation and has operated without anyone living at the application site. Whilst there is a small element of livestock this hasn't warranted on site residence up to this point. The nearest settlement of Mepal is approximately 1.2 miles from the farm and the settlements of Sutton and Chatteris are also within a 5 mile radius. However, no supporting evidence in the form of market research is presented to support this claim. Appendix 2 states that even if properties were available in the settlement they would not permit the surveillance of the agricultural holding. However, as addressed in paragraph 7.4.3 security and surveillance of the yard is not a reason which forms essential need.

#### 7.5.9 - Landscaping

In regards to the other matters of Policy HOU 5 a minimal landscaping scheme has been supplied with the application only demonstrating boundary hedging. The Planning Statement advises the position of the dwelling is to take advantage of existing landscaping features, ensure minimal intrusions and is situated close to the farm buildings. There is separation between the agricultural buildings and the location of the dwelling, with it being setback from the main farm yard, approximately 46m (150ft) back from the nearest building. Its location is of visual concern and this is addressed in section 7.5.

#### 7.5.10 - Financial Viability

The Planning Statement contains a letter from the accountant who confirms the funds are available to construct the dwelling. There are no concerns that the dwelling would be unusually expensive to construct in relation to the income that the enterprise could sustain, in accordance with policy HOU 5. The application has been supported by the business accounts, which demonstrate the business in its current form is financially viable. Clarification was sought to confirm the business will remain financially viable following the loss of County Council farm which comprises 180 acres/72 hectares. Following the end of the tenancy the applicant will have the remaining agricultural land, of 250 acres/101 hectares owned (Low Bank Farm and surrounding land around Mepal) and 740 acres/299 hectares rented. Low Bank Farm forms 83.5 acres/33.8 hectares of this. No information was supplied to illustrate the potential loss in income which the removal of 180 acres/72 hectares of County Council farm currently provides.

7.5.11 Furthermore, clarification was sought on the statement within the Addendum that 'the farm of this size has a requirement for in excess of 3 full time workers to be based on the holding' as the dwelling applied for is solely for Mr Veal. No further clarification was provided on the other two full-time employees and whether the intention is for them to reside in the property, if they are currently based at Trinity Farm or where they will reside at the end of the tenancy.

#### 7.5.12 - Tenancy

The applicant has an existing tenancy with Cambridgeshire County Council at Trinity Farm and the Planning Statement advises at paragraph 1.4 that the applicant's tenancy is due to expire on October 2025 by direction of the National County Farm Policy which requires tenants to surrender their tenancy at the age of 65. A copy of the Tenancy Agreement has been supplied and reviewed by the Planning Officer and

Legal Team. Upon review it appears that whilst the Tenancy Agreement is due to expire on October 2025 the tenancy can continue thereafter on a periodic basis. So, expiration of the Agreement doesn't automatically mean the tenant has to leave the holding and nothing has been submitted with the application to confirm that a notice to quit has been served by either party. As such it is understood that the applicant is not currently required to surrender the tenancy on expiration of the Tenancy Agreement. The agent has supplied the letting particulars from 1989 from Cambridgeshire County Council, however this has no weight as the terms of the applicant's tenancy is contained within the Tenancy Agreement.

7.5.13 In summary, the proposal has failed to demonstrate an essential need for an additional dwelling on the site to serve the business and the dominant operations of arable farming, the security, fishing lake or the loss of tenancy would not justify as essential need. Furthermore, it hasn't been demonstrated that the other requirements of policy HOU 5 have been met. Low Bank Farm has been in operation for a number of years providing the storage, arable operations and livestock aspects of the business without the onsite accommodation. Whilst it is understood the applicant has a pending tenancy expiry, there hasn't been the essential need demonstrated as part of the application and the application fails to meet the requirements of policy HOU5 and consequently GROWTH 2.

## 7.6 Visual Amenity

7.6.1 Paragraphs 126 and 130 of the NPPF seek to secure high quality, beautiful and sustainable buildings, visually attractive development which improves the overall quality of an area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 134 advises that where development is not well designed it should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

7.6.2 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. Development proposals which fail to have regard for local context or take advantage of opportunities to preserve, enhance or enrich the character, appearance and quality of an area will not be acceptable. Policy ENV 1 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour create positive, complementary relationships with existing development and enhance where possible. In accordance with policy EMP 5 the proposal must be sensitively designed and in keeping with its rural surroundings and be no larger than that required to meet the functional needs of the enterprise.

7.6.3 The proposed dwelling is a four bedroom detached property, with an adjoining single garage which spans 19.1m (62.2ft) at its greatest length. With a ridge height of 8m (26.2ft) and a depth of 10.1m (33.1ft), there are concerns the massing of the proposal will be overly prominent in the rural landscape. Since the withdrawn application 21/00471/FUL the length has been reduced from 22m (72.1ft), however this has only accommodated the removal of a single garage. The ridge height has been reduced to 8m (26.2ft) and whilst this does make a contribution to lessening the visual impact, the

bulk and massing of the dwelling are still of significance. The location of the dwelling is within the open countryside and given it is set back from the cluster of agricultural buildings the dwelling will be very exposed in the surrounding landscape. The design and layout of the dwelling is not sensitively designed to the rural surroundings as the set back location from the cluster of agricultural buildings (approx. 46m (150ft)) separates the property and results in built form being extended further into the countryside. The dwelling will be very exposed to the countryside to the north and west and it will have a prominence in not only the landscape but from Mepal Long Highway and the public footpath.

- 7.6.4 Whilst the proposed property is a four bedroom dwelling, the scale of the accommodation is excessive, in particular at first floor. It is considered the dwellings footprint needs to be reduced or revisions to the design to minimise the volume of first floor bulk. It is considered an alternative design can be achieved which is sensitive to the rural character and minimises the massing, whilst still meeting the needs of the applicant. Neighbour comments refer to the scale of the dwelling needs to be a substantial family home, not just a basic dwelling for an agricultural worker. The building would be no more prominent in the landscape than our own dwelling of comparable size close nearby. The nearest neighbouring property to the south has been noted and whilst this is a two storey dwelling with a large detached outbuilding, the dwelling has little visual intrusion due to its location.
- 7.6.5 The dwelling is supported by minimal soft landscaping, in the form of boundary hedging up to 1.2m (3.9ft) in height. In accordance with policy HOU 5 the dwelling is not supported by adequate landscaping to soften the visual intrusion as the boundary hedge around the amenity space would do little to assimilate the development into the surroundings. Furthermore, the NPPF seeks for effective landscaping and whilst there are some existing trees to the east the density of this reduces in the area of the dwelling and nothing has been proposed to enhance or deliver a scheme to complement. The Trees Officer has requested a condition seeking a detailed soft landscaping scheme.
- 7.6.6 The dwelling does not form a visually attractive development and fails to preserve, enhance or enrich the character of the rural surroundings. As such the proposal fails to meet the requirements of Chapter 12 of the NPPF as well as policy ENV 1, ENV 2 and EMP 5 of the 2015 East Cambridgeshire Local Plan.

## 7.7 Flood Risk

- 7.7.1 Policy ENV 8 of the Local Plan 2015 sets out that all developments should contribute to an overall flood risk reduction and development should normally be located in Flood Zone 1. Furthermore, all applications are required under policy ENV 8 to demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site. The development of a new dwelling is classified as 'more vulnerable' development in accordance with Annex 3: Flood Risk Vulnerability Classification of the NPPF.
- 7.7.2 The applicant has submitted an FRA as the site is located within Flood Zone 3 and in accordance with the Environment Agency mapping it is in an area benefiting from Flood Defences. The Flood Risk Assessment advises the sequential test has been passed, as:

*'The dwelling will provide accommodation for a Key Worker. The dwelling will meet the need to have a farm worker based at the site and therefore it is not possible to undertake the development at a location away from the site.'*

7.7.3 The Local Planning Authority have considered the requirements of the Sequential Test and in accordance with paragraph 162 development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The application is for an agricultural worker dwelling on the farmstead at Low Bank Farm, therefore in order to pass the sequential test the essential need must be met. As evidenced in section 7.4 the essential need for an agricultural workers dwelling has not been demonstrated. There are a number of other reasonably available sites for residential development within the Parish of Mepal or Sutton which are at a lower probability of flooding and are within reasonable distance of the farm. Furthermore, as the site is close to the district boundary, the applicant could explore other settlements outside of East Cambridgeshire which are in close proximity to the site and agricultural land forming part of the farm. Therefore, the proposed additional dwelling is not necessary in this location and the application fails the Sequential Test for this reason.

7.7.4 Had the Sequential Test been passed the Exception Test should then be applied, guided by a site specific Flood Risk Assessment. The exception test requires the development to demonstrate that it provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared. Additionally a site-specific flood risk assessment must also demonstrate that the development will be safe for its lifetime taking into account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce overall food risk. Both elements need to be passed for development to be allocated or permitted under the NPPF.

7.7.5 The Flood Risk Assessment considers the development to pass the exception test, advising:

*"The economic value of rural areas is dependent upon the success of the businesses within them. Provision of a Key Workers dwelling at the site will be a benefit to the rural economy. Section 5 of this Flood Risk Assessment describes the flood mitigation measures and the management of the residual risks, demonstrating that this development will be safe and not increase flood risk elsewhere. The development is considered to pass the Exception Test.'*

7.7.6 Whilst the farm supports the rural economy, a new dwelling on the site is considered to be a private benefit as Low Bank Farm has operated successfully and contributed to the rural economy without its onsite presence for many years. There are no wider sustainability benefits to the community from this proposal and therefore it fails part (a) of the exception test.

7.7.7 As for part (b) the Environment Agency have raised no objection to the proposal, as long as the mitigation measures outlined in in the FRA, are implemented. This includes finished floor levels to be raised 0.9m above existing ground level and flood resilient construction included 300m above finished floor levels. The Environment Agency comments address the safety of people, including those with restricted

mobility, and being able to reach places of safety, including safe refuges in buildings and emergency services to access those buildings. The dwelling proposed is a two storey property, offering a first floor for a refuge in the event of a flood. The FRA references the Environment Agency Flood Warning Service which includes Flood Warning Codes and uses direct warning methods where the risks and impacts of flooding are high. In addition to direct and indirect flood warnings, the Environment Agency operates a 24 hour a day Floodline Service providing advice and information on flooding. Furthermore, the FRA advises that in the event of flood it is anticipated that sufficient time would be available to take precautionary actions to limit the potential impact of flooding. In the event of a flood, safe egress would be in a north westerly direction on the A142 which is above the flood level during a breach, to the centre of Chatteris which is in Flood Zone 1. It is considered the FRA has considered the tools available to inform future occupiers, the routes to safety in the event of a flood and the dwelling offers a place of refuge in the building.

- 7.7.8 The application confirms foul water will be via a package treatment plant and for surface water drainage it has been indicated there will be a soakaway. Full details of the drainage system will be secured via an application for building regulations and it is considered this is sufficient to address drainage for the new dwelling, compliant with policy ENV8.
- 7.7.9 The Environment Agency advises the sequential and exception tests should be applied to the development. The proposal fails to pass the Sequential Test and to unnecessarily place a dwelling in an area at significant risk of flooding is contrary to Policy ENV8 of the East Cambridgeshire Local Plan 2015, the provisions of the PPG on Flooding and Coastal Change, the Cambridgeshire Flood and Water SPD, and the National Planning Policy Framework.

## 7.8 Residential Amenity

- 7.8.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Additionally, paragraph 130(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.
- 7.8.2 The dwelling will be situated to the rear of the existing farmstead for Low Bank Farm and will not closely relate to any neighbouring properties. As demonstrated by the Location Plan the enclosing land to the site is within the same ownership of the applicant. Therefore, the location or scale of the property is not considered to result in detrimental harm to residential amenity of the neighbour to the south. Furthermore, the proposal ensures acceptable residential amenity levels are achieved for the future occupiers as all habitable rooms have suitable outlook and access to natural light. The private amenity space exceeds the Design Guide SPD 50m<sup>2</sup> and the dwelling exceeds the national space standards for four bedroom property, including storage area. As such the proposal complies with policy ENV 2 and paragraph 130(f) of the NPPF.

## 7.9 Highway Safety and Parking Provision

7.9.1 Paragraph 110 of the NPPF requires safe and suitable access to the site for all users. Local Plan policy COM7 requires proposals to provide a safe and convenient access to the public highway. Regarding parking provision, policy COM8 seeks for proposals to deliver adequate levels of car and cycle parking.

7.9.2 Access is off Mepal Long Highway which is a single track that currently serves the farm yard and fishing lake. The dwelling will have an access through the farm yard which will extend to the north-west up to a turning area and parking provision. It is accepted that the first section of the access point will be shared with farm machinery. The Local Highway Authority have raised no objection, as the site benefits from an existing access to the A142 and there is sufficient space for parking and turning of vehicles. The Officer did comment that residents will need to travel long distances along the single width Mepal Long Highway with minimal passing opportunities, however it was considered the nature of the road is unlikely to be concerning. The dwelling will have sufficient area to manoeuvre and good visibility down the access road to see vehicles coming, allowing for sufficient time to stop and pass. It is considered that safe, convenient and suitable access can be achieved for the dwelling, in accordance with the NPPF and policies COM7 and HOU5. Furthermore, adequate parking provision for cars is provided forward of the dwelling and the adjoining garages is suitable for cycle storage, complying with policy COM8.

#### 7.10 Ecology and Biodiversity Net Gain

7.10.1 The access route along Mepal Long Highway is situated within the SSSI of the Ouse Washes SPA, however the actual dwelling and associated infrastructure are situated outside of this designation.

7.10.2 The neighbour letter comments that Natural England's response appears to be more of a checklist than specific comments. However, the comments add that the documents supporting the application appear to remove any possibility of detriment to wildlife from the proposed development. It is understood that the Ouse Washes Site of Special Scientific Interest may formally extend to include the area of the Low Bank Drove. It is hard to see how the proposed development could have any adverse impact whatsoever on the SSSI.

7.10.3 Natural England refer to an earlier response for the site relating to appropriate consideration of recreational pressure impacts, through relevant residential development, to sensitive Sites of Special Scientific Interest (SSSI). The comments also refer to Natural England's generic advice on other natural environment issues is set out at Annex A, such as landscaping, protected species and environmental gains. Under application 21/00417/FUL Natural England previously raised no objection. The comments on the current application refer to the generic advice and no significant concerns have been raised. The application has been supported by a document containing information to support a Habitats Regulations Assessment (HRA). This document advises the foul water plant will meet the highest standard to prevent pollution to the nearby drains. Furthermore, the site itself is not directly connected to the Counter Drain and impacts on fish within it are not expected. The location of the dwelling is set back from Low Bank and between the SSSI is an active farm yard which has been in use for over 50 years.

7.10.4 An Environmental Impact Assessment Screening Matrix was carried out which determined that an Environmental Statement was not required, with the development not likely to have significant effects on the environment. Also, of relevance in determining the principle of this development is the impact it would have on the nearby Ouse Washes Special Protection Area, Ramsar and Site of Special Scientific Interest and functionally linked land as well as the Goose and Swan Impact Risk Zone (IRZ) implemented by Natural England. The applicant has submitted a Habitats Regulation Assessment (HRA) report by Green Environmental Consultants dated April 2021. This has formed the basis for the Local Planning Authority as the Competent Authority to undertake a Habitats Regulations Assessment (HRA), to assess any 'likely significant effect' on this internationally important site, as set out in Policies NE1 and NE2 of the Natural Environment SPD.

7.10.5 The site is not directly connected to the Counter Drain, via drains or other features and therefore no impacts are expected and the access road (which is the only part of the site located within the designation) is an existing arrangement which serves the fishing lake, farmstead and a residential property. The development is not proposed to construct a new access or alter the existing access arrangements and the roadside habitats, including reed beds are unlikely to hold large flocks of bird, as such no significant effect is considered to occur to the SSSI or the Goose and Swan IRZ. The documents have screened out the potential for likely significant effect on the Ouse Washes SPA including functionally linked land, either alone or in combination with other projects. The Wildlife Trust reviewed the document supplied to inform the HRA and had no comments to make and Natural England have raised no concerns. As the screening carried out has identified the development will not have the potential for significant adverse impacts, it is considered that an appropriate assessment under the Birds or Habitats Directives is not required.

7.10.6 The application is supported by a biodiversity checklist to confirm the consideration of protected species and this confirms none are present on the site. As such the proposal is considered to comply with policy ENV7 and Paragraph 180 of Chapter 15 of the NPPF.

7.10.7 In accordance Paragraph 174 (d) of the NPPF development should contribute and enhance the natural environment by minimising impacts and providing net gains for biodiversity. In addition, the Natural Environment SPD seeks to establish biodiversity net gain through policy NE6. The Local Plan 2015 includes policy ENV7 which seeks to deliver a net gain in biodiversity, proportionate to the scale of development proposed, by creating, restoring and enhancing habitats and enhancing them for the benefit of species. As this development is proposed on previously un-developed land there is potential for disturbance, however a suitable biodiversity enhancement scheme could overcome any concerns. The block plan demonstrates the inclusion of two varieties of bird boxes to be incorporated onto the property and the inclusion of a bat box to the side elevation. Furthermore, the proposal seeks to introduce an owl box to the rear northern corner of the site. With the inclusion of these measures the development would add further habitat's and complies with national and local policy.

## 7.11 Climate Change

7.11.1 The recently adopted Climate Change Supplementary Planning Document predominantly focusses on providing additional guidance to the implementation of

Local Plan Policy ENV 4 – Energy and water efficiency and renewable energy in construction. Policy ENV 4 states all proposals for new development should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable. The Planning Statement advises it is proposed where possible to use energy efficient technologies in the construction process to minimise the dwellings environmental impact. In accordance with policy ENV4 and the Climate Change SPD, the proposal address the uses of energy and efficiency in construction.

## 7.12 Waste

7.12.1 The Waste Team have advised that the current arrangement for waste collection requires residents to present waste by the A142 and this would be applicable for the new property. It should be made clear to any prospective purchasers in advance. It is considered there is sufficient area in proximity to the A142 to allow for waste bins to be stored there during collection day without compromising the access.

## 8.0 Conclusion

8.1 The proposal fails to meet the requirements of the most important policies as evidenced under section 7.4. In accordance with policy HOU 5 no essential need has been evidenced within the submission and other aspects of the policy, such as landscaping and assessment of nearby accommodation have not been met. The proposal fails to pass the sequential test in accordance with the National Planning Policy Framework and policy ENV 8. Furthermore, the design and location of the dwelling is considered to result in significant harm to the countryside, with no enhancement or preservation to the character of the area, contrary to policies ENV 1 and ENV 2. The proposal has been found to be contrary to the East Cambridgeshire Local Plan 2015 most important policies for the site and numerous paragraphs of the NPPF. Therefore, the application is recommended for refusal.

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
21/01536/FUL	Molly Hood Room No. 011 The Grange	Molly Hood Planning Officer 01353 665555
21/00417/FUL	Ely	molly.hood@eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

**21/01721/FUL**

127 High Street  
Sutton  
Ely  
Cambridgeshire  
CB6 2NR

Proposed two storey rear extension

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R4GRLUGG0CT00>





---

**MAIN CASE**

**Reference No:** 21/01721/FUL

**Proposal:** Proposed two storey rear extension

**Site Address:** 127 High Street Sutton Ely Cambridgeshire CB6 2NR

**Applicant:** Mr & Mrs R Pitt

**Case Officer:** Gemma Driver Planning Officer

**Parish:** Sutton

**Ward:** Sutton  
Ward Councillor/s: Lorna Dupre  
Mark Inskip

**Date Received:** 20 December 2021      **Expiry Date:**

**Requested EOT:**  
11/05/2022

**Report Number: W181**

---

**1.0 RECOMMENDATION****1.1** Members are recommended to refuse the application for the following reason:**1.2** The development, by virtue of its mass and bulk would be prominent within the streetscene along High Street and subsume the existing dwelling, resulting in a poor relationship with the host dwelling. The proposal would fail to result in a complementary form of development that conserves the existing modest scale of the host dwelling. As such, the proposal would be contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, the Council's Design Guide SPD, Policy NP3 of the Sutton Neighbourhood Plan and paragraphs 130 and 134 of the NPPF 2021, which seek to ensure that location, layout, scale, form and massing, relate sympathetically to the existing dwelling.**2.0 SUMMARY OF APPLICATION****2.1** The applicant seeks consent to construct a two storey extension to the rear of no.127 High Street Sutton. The extension would also facilitate the re-roofing of the existing flat roof element to the rear, increasing the height of this to incorporate the proposed extension.

2.2 The dimensions of the existing and proposed depth of the dwelling are detailed in the table below.

	Existing (m)	Proposed (m)	Existing (ft)	Proposed(ft)
Depth	6.2	10.9	20.3	35.8

2.3 The extension would protrude from the rear wall by 4.7 metres (15.5ft) and span the width of the existing dwelling. The proposal would have a dual pitched roof, measuring 5.5 metres (18ft) to the eaves and 6.5 metres (21.3ft) to the ridge. The existing flat roof element to the rear measures approximately 5.4 metres (17.7ft) in height. The site has a varying topography so these measurements are taken from the highest points demonstrated on the proposed elevations.

2.4 The extension would not be set down from the host dwelling and is proposed to be rendered on the walls with matching roof tiles. The windows and doors proposed are grey uPVC.

2.5 The application was called into planning committee by Cllr Dupré for the following reasons:

2.6 ***“Compliance with existing policy:*** *the District Council’s local plan policy is out of date and has been subject to numerous challenges. The application does not conflict with the ten year old design guide. Design is very subjective and subject to interpretation.*

2.7 ***Inconsistency of application of policy:*** *an extension at 8 The Brook Sutton (21/00304/FUL) was recently permitted by the Planning Committee against officer recommendation. Much of the case officer’s argument in that case, as in this one, hinged on the size and proportion of the extension relative to the host dwelling. An analysis by Edward Clarke of Cheffins of annexe and extension applications throughout the District (a submission in respect of an annexe application at 1 Link Lane, 22/00042/FUL) demonstrates an inconsistency between the recommended refusal in this case with approvals of much larger scale extensions. There have been at least four successful recent planning appeals against the Local Planning Authority’s application of its policies on annexes and extensions. The recommendation is also inconsistent with other applications granted for properties in the immediate locality of this application in the last four years, one of which is still being built. The argument that ‘the existing dwelling presents scale which is unassuming’ suggests that no one would be permitted to seek an extension. The revised drawing sent by the architect which the applicant did not wish to pursue simply created a fourth box room which would not have been suitable for the needs of the family, and would have added the security risk of an accessible flat roof.*

2.8 ***Relationship to host dwelling:*** *the argument that ‘there would be no separation between the host and proposed extensions’ is unconvincing as a reason for refusal. An extension is by definition attached to, or related to, the host dwelling. An argument based on the nature of the original dwelling also fails to take account of the history of the property. The house bears a plaque dated 1904 but is believed to have originally been two small cottages now connected. A paint store which is now*

a workshop was attached in the 1950s, and in the 1960s a ground floor extension was added. What exactly counts as 'the host dwelling' for this purpose? There is an argument that changing the configuration of the 1960s ground floor extension by adding a layer and moving the ground floor and first floor out to 'square off' the property would create symmetry (referred to in the design guide) and look more traditional. The whole building would be rendered in a traditional style. The property is not in the conservation area. The original dwelling would still be legible and predominant, as in the 2012 design guide. The proposed extension will not be seen from the front of the property; from the rear it will be seen only by adjoining properties 200 feet away. The only place where the first-floor extension and roof will be visible is the gap between 125A and the application property. It will not be seen easily when driving up the High Street from The America. The case officer could if wished have gained access to view the property in a wider context.

2.9 **Pattern of development:** the property is neighboured in the immediate vicinity by very angular 1970s and 1990s houses. There is no consistent pattern of development along the High Street.

2.10 **Lack of objections:** no objections were submitted by the Parish Council or any neighbours.”

2.11 An extension of time was requested, until 11<sup>th</sup> May, to cover the determination at Planning Committee, but the applicant did not want to agree it.

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

### 3.0 PLANNING HISTORY

3.1

84/00520/FUL	EXTENSION TO FORM BEDROOM	Approved	18.07.1984
06/01342/FUL	Two storey extension to rear.	Refused	31.01.2007

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is a detached dwelling located in Sutton. The site located on the Western point of High Street and is within the development envelope, situated between residential dwellings. The dwelling is set forward of its neighbouring dwelling to the East, no.125a High Street and therefore views of the Eastern elevations are seen upon approach. The existing dwelling is modest in size and benefits from a large rear garden that slopes down towards Cherry Rise and The Row. The topography of the site varies greatly, with the highest point of the site being at the front, Northern side, facing High Street. The residential properties that

the site is set amongst are not similar in appearance and there is a varied streetscene.

## 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 website.

5.2 **Parish Council** - 26 January 2022  
No concerns, ECDC to determine.

5.3 **Ward Councillors – Cllr Dupré**- 4 April 2022  
Yes I confirm that I would like to call in the application. The reasons are as follows:

1. **Compliance with existing policy:** the District Council's local plan policy is out of date and has been subject to numerous challenges. The application does not conflict with the ten year old design guide. Design is very subjective and subject to interpretation.
2. **Inconsistency of application of policy:** an extension at 8 The Brook Sutton (21/00304/FUL) was recently permitted by the Planning Committee against officer recommendation. Much of the case officer's argument in that case, as in this one, hinged on the size and proportion of the extension relative to the host dwelling. An analysis by Edward Clarke of Cheffins of annexe and extension applications throughout the District (a submission in respect of an annexe application at 1 Link Lane, 22/00042/FUL) demonstrates an inconsistency between the recommended refusal in this case with approvals of much larger scale extensions. There have been at least four successful recent planning appeals against the Local Planning Authority's application of its policies on annexes and extensions. The recommendation is also inconsistent with other applications granted for properties in the immediate locality of this application in the last four years, one of which is still being built. The argument that 'the existing dwelling presents scale which is unassuming' suggests that no one would be permitted to seek an extension. The revised drawing sent by the architect which the applicant did not wish to pursue simply created a fourth box room which would not have been suitable for the needs of the family, and would have added the security risk of an accessible flat roof.
3. **Relationship to host dwelling:** the argument that 'there would be no separation between the host and proposed extensions' is unconvincing as a reason for refusal. An extension is by definition attached to, or related to, the host dwelling. An argument based on the nature of the original dwelling also fails to take account of the history of the property. The house bears a plaque dated 1904 but is believed to have originally been two small cottages now connected. A paint store which is now a workshop was attached in the 1950s, and in the 1960s a ground floor extension was added. What exactly counts as 'the host dwelling' for this purpose? There is an argument that changing the configuration of the 1960s ground floor extension by adding a layer and moving the ground floor and first floor out to 'square off' the property would create symmetry (referred to in the design guide) and look more traditional. The whole building would be rendered in a traditional style. The property is not in the conservation area. The original dwelling would still be legible and predominant, as in the 2012 design guide. The proposed extension will not be seen from the front of the property; from the rear it will be seen only by adjoining properties 200 feet away. The only place where the first floor

extension and roof will be visible is the gap between 125A and the application property. It will not be seen easily when driving up the High Street from The America. The case officer could if wished have gained access to view the property in a wider context.

4. **Pattern of development:** the property is neighboured in the immediate vicinity by very angular 1970s and 1990s houses. There is no consistent pattern of development along the High Street.
5. **Lack of objections:** no objections were submitted by the Parish Council or any neighbours.

5.4 A site notice was displayed near the site on 17 January 2022.

5.5 Neighbours – six neighbouring properties were notified; no responses have been received.

## 6.0 The Planning Policy Context

### 6.1 **East Cambridgeshire Local Plan 2015**

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV4	Energy and water efficiency and renewable energy in construction

### 6.2 **Supplementary Planning Documents**

Design Guide  
Climate Change

### 6.3 **National Planning Policy Framework 2021**

2	Achieving sustainable development
12	Achieving well-designed places
14	Meeting the challenge of climate change, flooding and coastal change

### 6.4 **Sutton Neighbourhood Plan**

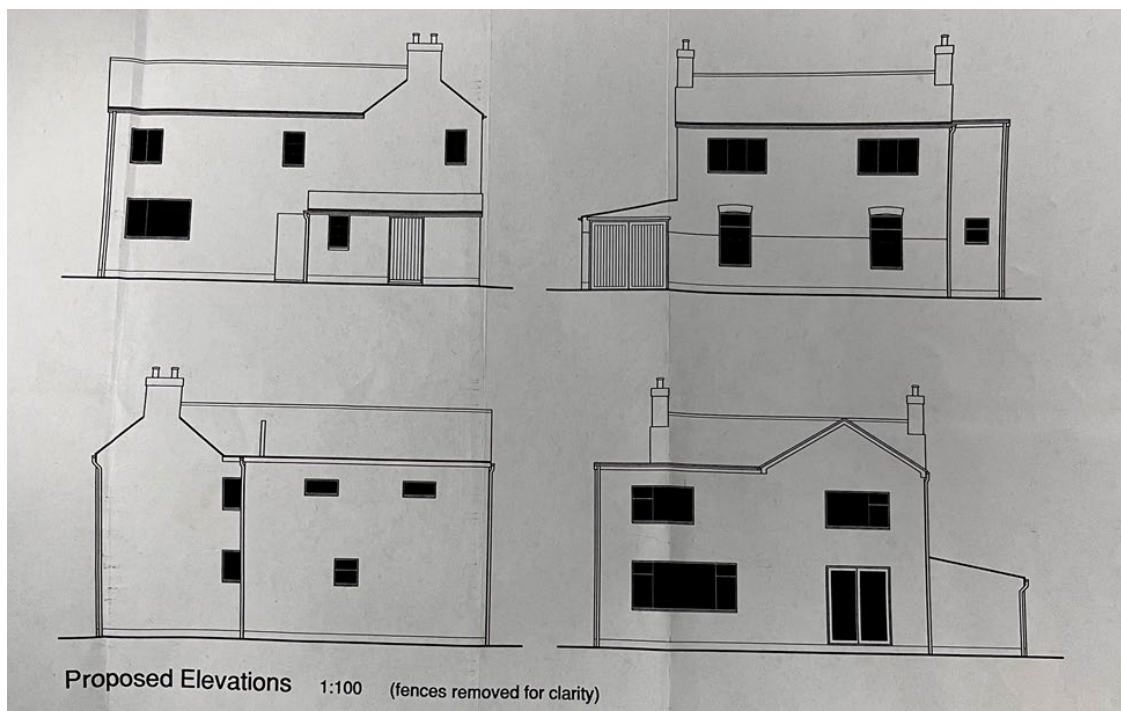
NP3 Sutton Development Envelope

## 7.0 **PLANNING COMMENTS**

7.1 The main considerations in the determination of this application are, principle of development, visual amenity, residential amenity, and any other material planning considerations.

## 7.2 Background

- 7.2.1 It is considered relevant to draw Members attention to the planning history of the site. Under application refernece no. E/06/01342/FUL, a very similar proposal was submitted. The elevations can be seen below:



- 7.2.2 The proposal under the 2006 application proposed a rear extension that would protrude 4.5 metres (14.7ft). This applciatoin was refused for the following reason:

- 7.2.3 *“The proposed two-storey rear extension fails to respect the character and proportions of the original dwelling in terms of its scale and bulk. The proposal would therefore subsume the original dwelling, and as a result would have a detrimental impact on the streetscene. The proposal would therefore be contrary to Policy P1/3 of the Cambridgeshire and Peterborough Structure Plan, 2003 and Policies 58, 59 and 60 of the East Cambridgeshire District Local Plan, 2000. The proposed extension appears to be driven by a spatial requirement rather than an awareness of the design constraints imposed by the existing building. It would therefore be contrary to government guidance within ‘Planning Policy Statement 1: Delivering Sustainable Development’ which seeks high quality design in all instances.”*

- 7.2.4 Photos of the dwelling at the time of the 2006 application can be seen below:



7.2.5 Whilst the rear porch as seen in photo 2 above has changed and now demonstrates a smaller porch with a pitched roof, the contextual analysis and constraints of the site remain.

7.2.6 Officers note that planning policy, both national and local, has evolved significantly since the determination of the 2006 application and the Council adopted the 2015 Local Plan, since this application. Therefore, the proposal is now being assessed under the current Local Plan (2015). Additionally, the site has not altered significantly since 2006 and is also a material consideration. Notwithstanding this, Officers consider that the reason for refusal is not substantially different to the refusal of the 2006 application. Both local and national policy have a drive for good quality and beautiful design. Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Therefore, the position of Officers today is strengthened in the light of more robust guidance.

### 7.3 Principle of Development

7.3.1 Policy GROWTH 2 of the ECDC Local Plan 2015 permits development within the policy-defined development envelope – within which the application site lies – provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations and relevant Local Plan policies are satisfied. The proposal is therefore considered to be acceptable in principle, subject to the proposals satisfying the requirements of other relevant policies and material considerations.

7.3.2 Policy GROWTH 5 of the ECDC Local Plan 2015 also states that the District Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

### 7.4 Residential Amenity

7.4.1 Policy ENV 2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Paragraph 130(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.

7.4.2 Policy NP3 of the Sutton Neighbourhood Plan states that sustainable development proposals within the development envelope will be supported in principle subject to being of an appropriate scale and not having an unacceptable impact on the amenity of residents

7.4.3 The proposal consists of a two-storey rear extension. Whilst this would be increasing the level of built form to the rear, there would be limited impact on neighbouring amenity. The neighbouring dwelling to the West, no.129 High Street does have two openings on this elevation facing the application site. However, these both appear to be obscure glazed and therefore likely serve bathrooms. Additionally, it is considered that the host dwelling is set comfortably in the plot to ensure that the proposal would be set far enough away to not appear overbearing. It

is considered that the proposal would not significantly increase levels of overlooking and as the neighbouring dwellings are set further back from the highway, the proposal would not directly overlook amenity space of neighbours.

7.4.4 For the reasons provided, it is considered that the location and scale of the proposed extension would not create any significantly detrimental effects on the residential amenity of nearby occupiers and that there would be an acceptable relationship between the proposed development and the existing neighbouring dwellings, in accordance with Policy ENV 2 of the ECDC Local Plan 2015, Policy NP3 of the Sutton Neighbourhood Plan, the Design Guide SPD and the guidance contained within the NPPF.

## 7.5 Visual Amenity

7.5.1 Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraphs 130 and 134 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history.

7.5.2 Policy ENV 1 of the ECDC Local Plan 2015 seeks to ensure that proposals provide a complementary relationship with existing development, and conserve, preserve and where possible enhance the distinctive and traditional landscapes, and key views in and out of settlements.

7.5.3 Policy ENV2 of the Local Plan 2015 states as follows-  
*“All development will be designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. Design which fails to have regard to local context including architectural traditions and does not take advantage of opportunities to preserve, enhance or enrich the character, appearance and quality of an area will not be acceptable and planning applications will be refused. All new development proposals, including new buildings and structures and extensions and alterations to existing buildings and structures will be expected to: Ensure that the location, layout, scale, form, massing, materials and colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right”.*

7.5.4 The proposed extension would protrude from the rear by 4.7 metres (15.5ft) and span the width of the existing dwelling. With the existing dwelling only having an existing depth of 6.2 metres (20.3ft) the resulting dwelling would have a depth in excess of 10 metres. It is noted that the existing dwelling also features an existing extension and therefore, the cottage that would have been originally constructed measures just 3.5 metres (11.4ft) in depth. The addition of such a bulky extension would be considered to create a significant level of built form which would result in a dominant form of development that is considered to overwhelm the existing dwellinghouse.

- 7.5.5 Views of the dwellinghouse are seen upon approach to the site from the East, as seen on the streetscene image from Google below. It is therefore even more imperative for any extension to respect the proportions of the existing dwelling as any additional would be visible from the public realm.



- 7.5.6 The District Design Guide SPD states that extensions should not be dictated by a particular amount of additional floor space and the form and proportions of the original dwelling will determine the extent to which it can be extended. When a dwelling has been extended, the original building should be legible and predominate and, in most circumstances, the extension should be subservient to the existing dwelling. It is considered that the current proposal appears to have been driven by the desire of additional floor space and fails to have regard for the existing development on the site or its surroundings. As such it is considered that the volume of additional built form proposed within the application would result in overwhelming the modest nature of the host dwelling. The proposal is considered to result in a massing that is dominant and unbalancing to the appearance of the dwelling. This long expanse would also create a bulky addition to the streetscene.
- 7.5.7 It is considered that the proposal results in an excessive depth of projection to the rear of the dwellinghouse with a matching ridge height which further exacerbates the level of bulk. The proposed design has a substantial bulk which would dominate the rear of the property and would be visually dominant upon approach to the dwelling. Additionally, given its scale, bulk and prominence of the extension would result in a harmful impact that is not considered to enhance the character and appearance of the dwellinghouse and surrounding area. This is contrary to local and national policies.
- 7.5.8 The Local Planning Authority recognised that the dwellinghouse was capable to withhold an extension, and therefore sought amendments to the proposal in respect of the scale and worked with the agent to secure a proposal that would have

resulted in an acceptable relationship. However, the applicants did not wish to accept the revisions.

- 7.5.9 The proposed extension by virtue of the depth and scale is considered to be an inappropriate addition to the existing dwelling and will result in an unacceptable level of additional bulk and mass. The proposal is therefore contrary to Policies ENV 1 and ENV 2 of the Local Plan, 2015, the NPPF and the District Design Guide, SPD as it does not provide a complementary relationship with the existing dwelling and the scale, massing and do not relate sympathetically to the existing dwelling.

## 7.6 Climate Change

- 7.6.1 On 8th February 2021, the Council's adopted Climate Change Supplementary Planning Document came into effect. The SPD predominantly focusses on providing additional guidance to the implementation of Local Plan Policy ENV 4 which asks for all proposals for new development to aim for reduced or zero carbon development in accordance with the zero-carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable. No further information has been submitted by the applicant to address the Climate Change SPD. Whilst this weighs against the application, due to the scale of the proposal it does not warrant refusal on this basis alone.

## 7.7 Other Matters

- 7.7.1 As the application is a householder application, the requirements of the Natural Environment SPD are not applicable in this case.
- 7.7.2 Officers note the comments submitted with Councillor Dupre's call in with the application and have addressed these in turn below -
- 7.7.3 ***"Compliance with existing policy: the District Council's local plan policy is out of date and has been subject to numerous challenges. The application does not conflict with the ten year old design guide. Design is very subjective and subject to interpretation.***
- 7.7.4 Officer Comments: The District Council's Local Plan Policy is not out of date. The specific policies (namely ENV1 and ENV2 of the Local Plan) in relation to the merits of the design of this application are not out of date and still hold full weight in the planning balance.
- 7.7.5 The site is located within the development envelope where the principle of development – including extensions to existing dwellings – is considered to be acceptable in accordance with the locational strategy of Policy GROWTH 2; the Local Planning Authority did not raise concern over the principle of an extension to the dwelling in this location on purely its locational basis.
- 7.7.6 ***Inconsistency of application of policy: an extension at 8 The Brook Sutton (21/00304/FUL) was recently permitted by the Planning Committee against officer recommendation. Much of the case officer's argument in that case, as in this one, hinged on the size and proportion of the extension relative to the host dwelling. An analysis by Edward Clarke of Cheffins of annexe and extension applications***

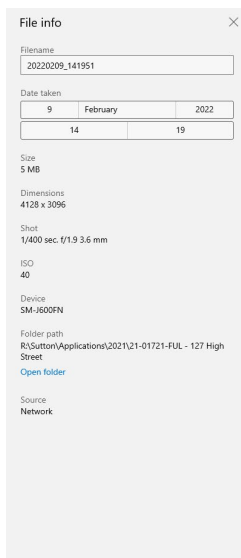
*throughout the District (a submission in respect of an annexe application at 1 Link Lane, 22/00042/FUL) demonstrates an inconsistency between the recommended refusal in this case with approvals of much larger scale extensions. There have been at least four successful recent planning appeals against the Local Planning Authority's application of its policies on annexes and extensions. The recommendation is also inconsistent with other applications granted for properties in the immediate locality of this application in the last four years, one of which is still being built. The argument that 'the existing dwelling presents scale which is unassuming' suggests that no one would be permitted to seek an extension. The revised drawing sent by the architect which the applicant did not wish to pursue simply created a fourth box room which would not have been suitable for the needs of the family, and would have added the security risk of an accessible flat roof.*

- 7.7.7 Officer Comments: The cases referenced above are not within the vicinity of the applications site. Each application must be considered on its own merits. Notwithstanding this, application reference 21/00304/FUL was recommended for refusal. This recommendation was overturned at Planning Committee. The application considered under 22/00042/FUL was for a different proposal (an annexe) and was considered in light of the relevant planning policies. Recent appeal decisions are a material consideration. A recent appeal in Sutton was dismissed under reference 20/01544/FUL (APP/V0510/D/21/3276353). This application was recommended for refusal at planning committee, the recommendation was upheld both at committee and appeal, with the visual prominence of the proposal being concern in this application.
- 7.7.8 In reference to the revised drawings, in accordance with Policy GROWTH 5 of the ECDC Local Plan 2015 also states that the District Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible. Paragraph 38 of the NPPF requires Local Planning Authorities to approach decisions on proposed development in a positive and creative way Officers recognised that a positive outcome could be achieved for an extension on site and therefore worked with the agents to consider amendments. Although it is noted that *"the revised drawing sent by the architect which the applicant did not wish to pursue simply created a fourth box room which would not have been suitable for the needs of the family"*, as indicated in the Design Guide SPD *"extensions should not be dictated by a desire for a particular amount of additional floor space"*. Personal circumstances are not a material planning consideration in this respect and therefore the extension being driven by the suitability of the size of the room cannot be considered and is not a reason to support a large extension that does not respect its host dwelling.
- 7.7.9 ***Relationship to host dwelling:*** *the argument that 'there would be no separation between the host and proposed extensions' is unconvincing as a reason for refusal. An extension is by definition attached to, or related to, the host dwelling. An argument based on the nature of the original dwelling also fails to take account of the history of the property. The house bears a plaque dated 1904 but is believed to have originally been two small cottages now connected. A paint store which is now a workshop was attached in the 1950s, and in the 1960s a ground floor extension was added. What exactly counts as 'the host dwelling' for this purpose? There is an argument that changing the configuration of the 1960s ground floor extension by adding a layer and moving the ground floor and first floor out to 'square off' the*

*property would create symmetry (referred to in the design guide) and look more traditional. The whole building would be rendered in a traditional style. The property is not in the conservation area. The original dwelling would still be legible and predominant, as in the 2012 design guide. The proposed extension will not be seen from the front of the property; from the rear it will be seen only by adjoining properties 200 feet away. The only place where the first-floor extension and roof will be visible is the gap between 125A and the application property. It will not be seen easily when driving up the High Street from The America. The case officer could if wished have gained access to view the property in a wider context.*

7.7.10 Officer Comments: The 'host dwelling' refers to the dwelling as it stands at the time of the application. Although it should be noted that 'host dwelling' is different to 'original dwelling' as the original dwelling in this instance measures just 3.5 metres in depth (when it was originally built). As highlighted in the visual amenity section of the report above, there are clear views to this area of the dwelling and the proposal is considered to overwhelm its host with a lack of articulation between the host and the extension.

7.7.11 The Case Officer visited the site and did view the property from the wider context. The date and time of the site visit can be seen in the image below (9<sup>th</sup> February 2022). This site visit was sufficient in order to assess the impacts.



7.7.12 **Pattern of development:** *the property is neighbored in the immediate vicinity by very angular 1970s and 1990s houses. There is no consistent pattern of development along the High Street.*

7.7.13 Officer comments: there is no concern with regards to the pattern of development. It is noted that there is no distinct character amongst the dwellings in this area of the High Street. It is the scale and bulk proposed that is the concern and forms the reason for refusal.

7.7.14 **Lack of objections:** *no objections were submitted by the Parish Council or any neighbours.”*

7.7.15 Officer Comments: Agreed, no objections were submitted by the Parish Council or any neighbours.

## 7.8 Planning Balance

7.8.1 The proposed development is not considered to have a significant impact on the residential amenity of adjacent neighbours. However, the proposed extension is considered to be an inappropriate addition by virtue of the depth and scale, resulting in an unacceptable level of additional bulk and mass. The proposal does not provide a complementary relationship with the existing dwelling and the scale and massing do not relate sympathetically to the existing dwelling.

7.8.2 On balance, although the proposal would not have a significant impact on the residential amenity of neighbouring properties, it is considered that this is outweighed by the proposal causing significant and demonstrable harm to the visual amenity of the host building. The development, by virtue of its mass and bulk would result in a proposal that is out of keeping with the existing dwelling and is therefore considered contrary to Policies ENV1 and ENV2 of the Local Plan 2015 and the Design Guide SPD. The application is therefore recommended for refusal.

## 8.0 APPENDICES

8.1 Appendix 1: 06/01342/FUL Decision Notice.

---

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/01721/FUL	Gemma Driver Room No. 011 The Grange Ely	Gemma Driver Planning Officer 01353 665555 gemma.driver@eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

Sutton Neighbourhood Plan –

<https://www.eastcambs.gov.uk/sites/default/files/Made%20Sutton%20Neighbourhood%20Plan%20May%202019%20SMALL%20FILE.pdf>

Adrian Ambrose  
127 High Street  
Sutton  
Ely  
Cambridgeshire  
CB6 2NR

Penny Moore  
  
(01353) 616549  
penny.moore@eastcambs.gov.uk  
06/01342/FUL

Dear Sir/Madam

31st January 2007

**TOWN AND COUNTRY PLANNING ACT 1990**

**REFUSAL OF PLANNING PERMISSION**

The Council hereby **refuses** the following development:

**Proposal:** Two storey extension to rear.  
**Location:** 127 High Street Sutton Ely Cambridgeshire CB6 2NR  
**Applicant:** Adrian Ambrose

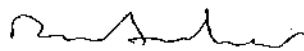
The Council hereby refuses permission for your application reference **06/01342/FUL** registered 12.12.2006.

**REASONS FOR REFUSAL**

- 1 The proposed two-storey rear extension fails to respect the character and proportions of the original dwelling in terms of its scale and bulk. The proposal would therefore subsume the original dwelling, and as a result would have a detrimental impact on the streetscene. The proposal would therefore be contrary to Policy P1/3 of the Cambridgeshire and Peterborough Structure Plan, 2003 and Policies 58, 59 and 60 of the East Cambridgeshire District Local Plan, 2000. The proposed extension appears to be driven by a spatial requirement rather than an awareness of the design constraints imposed by the existing building. It would therefore be contrary to government guidance within 'Planning Policy Statement 1: Delivering Sustainable Development' which seeks high quality design in all instances.

Dated: 31st January 2007

refulz

  
Executive Director Development Services

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under section 78 of the Town and Country Planning Act 1990. The Planning Inspectorate acts on behalf of the Secretary of State.
- If you want to appeal, then you must do so using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.
- An online appeals service is available through the Appeals area of the Planning Portal - see [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). The Planning Inspectorate will publish details of your appeal on the internet. This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information you are happy will be made available to others in this way, including personal information *belonging to you*. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.
- Fully completed appeal forms must be received by the Planning Inspectorate within six months of the date of this decision notice. Late appeals will only be accepted by the Planning Inspectorate in extraordinary circumstances.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

**Purchase Notices**

- If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may *claim that he can* neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## Planning Performance – March 2022

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

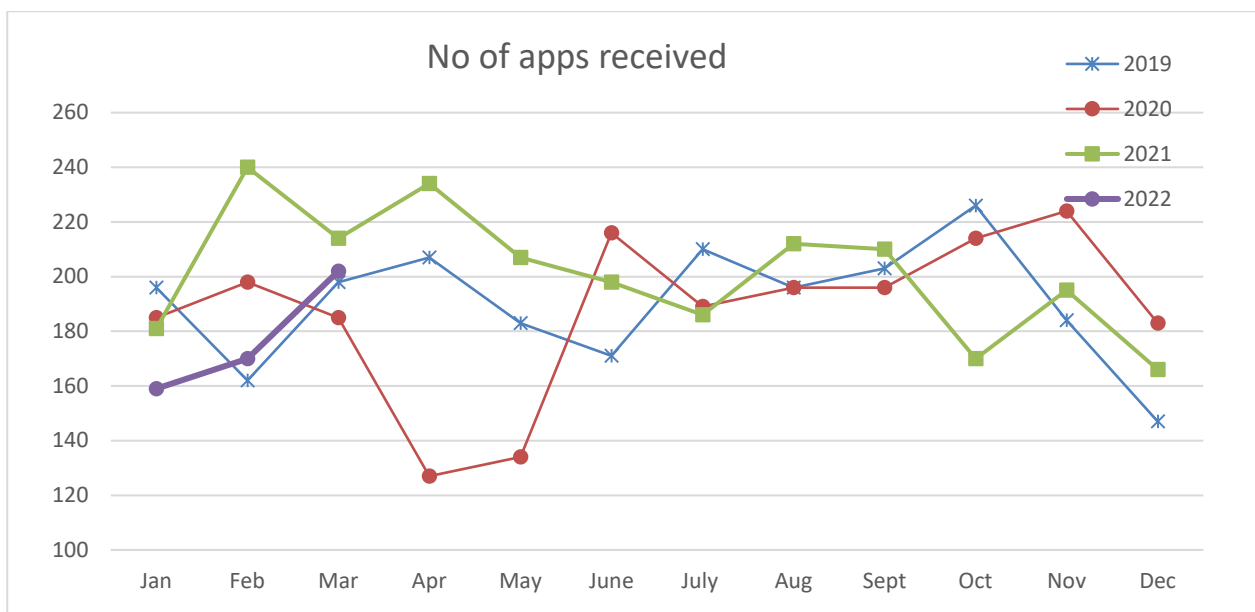
All figures include all types of planning applications.

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
<b>Validation</b>	<b>174</b>	<b>4</b>	<b>37</b>	<b>56</b>	<b>22</b>	<b>31</b>	<b>24</b>
<b>Validated within 5 days (%)</b>	<b>80%</b>	<b>(ECDC target of 75%)</b>					
<b>Determinations</b>	<b>128</b>	<b>6</b>	<b>29</b>	<b>27</b>	<b>12</b>	<b>24</b>	<b>30</b>
<b>Determined on time (%)</b>		<b>100%</b> (90% within 13 weeks)	<b>69%</b> (80% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>71%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)
<b>Approved</b>	<b>117</b>	<b>5</b>	<b>24</b>	<b>24</b>	<b>11</b>	<b>23</b>	<b>30</b>
<b>Refused</b>	<b>11</b>	<b>1</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>0</b>

<b>Open Cases by Team (as at 20/04/2022)</b>							
<b>Team 1 (3.8 FTE)</b>	<b>214</b>	<b>18</b>	<b>49</b>	<b>35</b>	<b>44</b>	<b>68</b>	<b>0</b>
<b>Team 2 (4 FTE)</b>	<b>132</b>	<b>14</b>	<b>42</b>	<b>28</b>	<b>17</b>	<b>31</b>	<b>0</b>
<b>Team 3 (4 FTE)</b>	<b>193</b>	<b>16</b>	<b>46</b>	<b>43</b>	<b>28</b>	<b>60</b>	<b>0</b>
<b>No Team (3 FTE)</b>	<b>58</b>	<b>9</b>	<b>2</b>	<b>2</b>	<b>8</b>	<b>12</b>	<b>25</b>

**No Team includes – Trees Officer, Conservation Officer and Agency Worker**

The Planning department received a total of 202 applications during March which is a 6% decrease of number received during March 2021 (214) and 18% increase to the number received during February 2022 (170).



## Valid Appeals received – 10

Planning reference	Site Address	Decision Level
20/01295/FUL	Land South East Of 4 Meadowbrook Aldreth	Committee
20/01728/FUL	Hope Hall Stud Brinkley Road Dullingham	Delegated
21/01608/FUL	10 Fourth Drove Little Downham	Delegated
21/01646/FUL	6 Butts Lane Wicken	Delegated
21/01766/FUL	17 Broad Street Ely	Delegated
ENFORCEMENT	Unit 15 17 Oak Lane Littleport	NA
ENFORCEMENT	Unit 20 17 Oak Lane Littleport	NA
ENFORCEMENT	Unit 12 17 Oak Lane Littleport	NA
ENFORCEMENT	Unit 14 17 Oak Lane Littleport	NA
ENFORCEMENT	Unit 7 17 Oak Lane Littleport	NA

## Appeals decided – 2

Planning reference	Site address	Decision Level	Appeal Outcome
ENFORCEMENT	14 Second Drove Little Downham	NA	Enforcement notice upheld with variations
ENFORCEMENT	The Nursery Mile End Road Prickwillow	NA	Dismissed

## Upcoming Hearing dates – 0

### Enforcement

New Complaints registered – 24 (4 Proactive)

Cases closed – 17 (1 Proactive)

Open cases/officer (2.6FTE) – 183 cases (25 Proactive)/2.6 = 70 per FTE

## Notices served – 2

Notice Type	Site address	Date Served
Advert Action Notice	21 - 23 High Street Soham	23/03/2022
Enforcement Notice	Open Storage Yard 17 Oak Lane Littleport	24/03/2022

## Comparison of Enforcement complaints received during February

Code	Description	2021	2022
<b>ADVERT</b>	Reports of unauthorised adverts	2	0
<b>COND</b>	Reports of breaches of planning conditions	10	5
<b>CONSRV</b>	Reports of unauthorised works in a Conservation Area	0	0
<b>DEM</b>	Reports of unauthorised demolition in a Conservation Area	0	0
<b>HEDGE</b>	High Hedge complaints dealt with under the Anti-Social Behaviour Act	0	0
<b>LISTED</b>	Reports of unauthorised works to a Listed Building	0	1
<b>OP</b>	Reports of operational development, such as building or engineering works	7	7
<b>OTHER</b>	Reports of activities that may not constitute development, such as the siting of a mobile home	0	1
<b>PLAN</b>	Reports that a development is not being built in accordance with approved plans	1	2
<b>PRO</b>	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	0	4
<b>UNTIDY</b>	Reports of untidy land or buildings harming the visual amenity	1	0
<b>USE</b>	Reports of the change of use of land or buildings	4	4
<b>TOTAL</b>		<b>25</b>	<b>24</b>