



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: **Wednesday 6th April 2022**

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

ENQUIRIES REGARDING THIS AGENDA: Caroline Evans

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

MEMBERSHIP:

Conservative Members

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

Liberal Democrat Members

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

Independent Member

Cllr Sue Austen (Lead Member)

Substitutes:

Cllr David Ambrose Smith
Cllr Julia Huffer
Cllr Josh Schumann

Substitutes:

Cllr Charlotte Cane
Cllr Simon Harries
Cllr Christine Whelan

Substitute:

Cllr Paola Trimarco

Lead Officer

Rebecca Saunt, Planning Manager

Quorum: 5 Members

PLANNING COMMITTEE MEMBERS TO MEET IN RECEPTION AT THE GRANGE AT 10:25am

(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 2nd March 2022.

4. Chairman's Announcements

[oral]

5. 21/01636/FUL

Construction of four market dwellings, garages, parking spaces, hard and soft landscaping, access and all other associated infrastructure

Location: Land Accessed Between 2 And 4 Fordham Road, Isleham, Cambridgeshire

Applicant: Bloor Homes

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R2PP9UGGHYI00>

Site visit: 10:50am

6. 21/01694/FUL

Erection of a new commercial building comprising Use Class E (Office, Research and Development, and Health Services) with ancillary plant, external lighting, car parking, cycle parking and associated infrastructure

Location: Land West Of 115 Lancaster Way Business Park, Ely, Cambridgeshire

Applicant: Grovemere Property Limited

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R34WKSGGIBB00>

Site visit: 11:55am

7. 22/00037/FUL

Change of use to a mix of Gypsy and Traveller residential use, with construction of three residential pitches for equestrian use, and three stable blocks

Location: Land West of Saunders Piece, Ely Road, Little Thetford, Cambridgeshire

Applicant: Michael Hargreaves Planning

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R5LR6DGGJYI00>

Site visit: 11:35am

8. 22/00042/FUL

Conversion of existing garage to annexe accommodation and construction of alterations to the infrastructure

Location: 1 Link Lane, Sutton, Ely, Cambridgeshire, CB6 2NF

Applicant: Mr T Sparrow

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R5N8CAGGJZL00>

Site visit: 12:15pm

9. Planning Performance Report – February 2022

NOTES:

1. Members of the public are welcome to attend this meeting. 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.

2. 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.

3. The Council has a scheme to allow public speaking at Planning Committee. If you wish to speak on an application being considered at the Planning Committee please contact Caroline Evans, Democratic Services Officer for the Planning Committee caroline.evans@eastcambs.gov.uk, to register by 10am on Tuesday 5th April. Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to attend in person. Please note that public speaking, including a statement being read on your behalf, is limited to 5 minutes in total for each of the following groups:

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

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

4. Reports are attached for each agenda item unless marked “oral”.

5. 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

6. 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 1:00pm on Wednesday 2nd March 2022 in the Council Chamber at The Grange, Nutholt Lane, Ely, CB7 4EE.

PRESENT

Cllr Christine Ambrose Smith (*from 1:20pm*)
Cllr Sue Austen
Cllr David Brown
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
Holly Chapman – Planning Officer
Caroline Evans – Democratic Services Officer
Molly Hood – Planning Officer
Annalise Lister – Communications Manager
Angela Tyrrell – Senior Legal Assistant
Russell Wignall – Legal Assistant

IN ATTENDANCE

James Chilvers (Objector, Agenda Item 5 / Minute 76)
Barry Garwood (Objector, Agenda Item 5 / Minute 76)
Charles Pilgrim (Applicant, Agenda Item 6 / Minute 77)
Antony Smith (Applicant, Agenda Item 5 / Minute 76)
Cllr Lorna Dupré (*from 2pm*)

1 Member of the public.

72. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Cllr Trapp.

73. DECLARATIONS OF INTEREST

Cllr Brown stated that he had called-in Agenda Items 5 and 6 for consideration at this meeting on the grounds that they had both previously been refused by the Committee and he therefore considered that the Committee should determine whether their concerns had been addressed. He had an open mind regarding both applications.

74. MINUTES

The Committee received the Minutes of the meeting held on 5th January 2022.

It was resolved:

That the Minutes of the Planning Committee meeting held on 5th January 2022 be confirmed as a correct record and be signed by the Chairman.

75. CHAIRMAN'S ANNOUNCEMENTS

The Chairman explained that, with the easing of COVID-19 restrictions, the intention was to reinstate formal site visits including travel by minibus from the next Committee meeting on 6th April. He reminded Members that a minimum of five Members travelling by bus would be necessary for cost reasons, and that it would not be practical for multiple cars to follow the bus between locations. Following a show of hands unanimously in favour of resuming the use of a minibus, it was confirmed that formal site visits would take place prior to the 6th April meeting and that the meeting would commence at 2pm in order to accommodate the visits. Timings would be advised when the agenda was published. Members were asked to notify the Democratic Services Officer of any allergies or dietary requirements as soon as possible since a buffet lunch would be provided for all Members who had attended the site visits.

The Chairman then welcomed Isabella Taylor (Planning Officer) and Cassy Paterson (Planning Assistant) who had joined the planning team in early January 2022 and late February 2022, respectively.

76. 21/01628/FUL – 14 THE AVENUE, BURWELL, CB25 0DE

Holly Chapman, Planning Officer, presented a report (W146, previously circulated) recommending approval of an application seeking permission for the construction of 1no. two-bedroom detached bungalow. An application for two bungalows on the same site had been considered by the Committee in October 2021 and refused on the grounds that it would constitute overdevelopment, would be out of character for the local area, and would have restricted access; the applicants had lodged an appeal against that decision.

Members were shown a location plan, aerial photographs, and block plans illustrating the site's location within the development envelope of Burwell, and the proposed positioning of the dwelling within the site. In addition to the garden and parking spaces for the new dwelling, a long rear garden would be retained for No. 14 The Avenue, in keeping with other nearby rear gardens, and a new dropped kerb and access would provide No. 14 with off-street parking for one vehicle. A contextual analysis had been provided regarding back-land development and Members were shown a location plan with relevant nearby planning history. Proposed elevations and floorplans were also shown, together with photographs of the site and its immediate streetscene.

The main considerations for the application were deemed to be:

- **Principle of development** – the application site lay within the development envelope for Burwell and the principle of back-land development was considered to be acceptable in this location due to a number of other permitted back-land applications within close proximity to the site. The

proposed development was therefore considered to comply with policies GROWTH2 and GROWTH3 of the Local Plan 2015.

- **Residential amenity** – by virtue of the siting, scale and design of the proposed dwelling it would not result in the unacceptable overlooking, overbearing, overshadowing, loss of light or loss of privacy to existing or prospective occupiers and adjoining occupiers. Acceptable amenity space was provided for the new dwelling and for No.14, and vehicle movements to the rear of the site were not considered to result in unacceptable residential amenity impacts for Nos. 11 or 14. A Construction Environmental Management Plan and piling foundations condition would be secured *via* a planning condition in order to minimise disturbance during construction. The proposed development was therefore considered to comply with policy ENV2 of the Local Plan 2015.
- **Character and appearance** – the plot size and density of the proposal were comparable to existing development within the surrounding area, and the design of the dwelling was considered to be sympathetic and not prominent within the streetscene. The proposed development was therefore considered to comply with the Design Guide SPD, the NPPF, and policies ENV1, ENV2, and HOU2 of the Local Plan 2015.
- **Highways, parking and access** – the proposal was policy-compliant for vehicle parking and cycle storage, and would also provide a single off-street parking space for No.14 which currently had no such provision. The Local Highways Authority had raised no objections to the proposal, the hard surfacing of the access would be secured *via* a planning condition, and the right of access for No.15 had been safeguarded. Building Control did not have a concern regarding fire service access to the site, and sprinklers would be secured *via* a planning condition as was usual for sites of this nature, and had been applied elsewhere in the District. The proposed development was therefore considered to comply with the NPPF and with policies COM7 and COM8 of the Local Plan 2015.
- **Biodiversity and ecology** – there would be no loss of trees and the TPO tree within the rear garden of No. 15 would be protected. Biodiversity enhancement measures and soft landscaping had been included and would achieve a significant biodiversity net gain. The proposed development was therefore considered to comply with the Natural Environment SPD and policies ENV1 and ENV7 of the Local Plan 2015.
- **Flood risk and drainage** – the application site lay wholly within Flood Zone 1, the area at lowest risk of flooding. The proposed dwelling would be served by soakaways and connected to the mains sewer, with details to be secured *via* a planning condition. The proposed development was therefore considered to comply with policy ENV8 of the Local Plan 2015.
- **Other matters** – the site was considered to represent a low risk of contamination in accordance with policy ENV9, and to satisfy policy ENV4 and the Climate Change SPD.

In summary, the application was recommended for approval on the basis that it complied with the policies contained within the Local Plan 2015, the adopted Supplementary Planning Documents, and the NPPF.

On the invitation of the Chairman, two objectors then addressed the Committee. James Chilvers stated that the objections to this application were similar to those raised against the previous application for two bungalows. In terms of the safety

of the shared vehicle/pedestrian access nothing had changed since the previous application. The applicant's appeal against refusal of planning permission for two dwellings suggested that they still wanted to build both, therefore there was concern that approval of this application would set a precedent for building on the application site. Barry Garwood stated that the application was almost identical to the previous application for the same site, in particular there remained a dwelling very close to his boundary which would result in an invasion of his privacy and overlooking to the rear of his property as well as being detrimental to the peace of the area and causing a loss of wildlife. The only external door to his property was located on its side wall, approximately 1.2m from the boundary with the proposed new access, and would therefore be negatively affected by pollution and noise. The proposed access was approximately 3m wide, with an overhang and electric cables, and consequently there was a risk of damage to his fence as vehicles manoeuvred along it. He was also concerned about the safety of the pedestrian access for the family with right of way along the side of No. 14. James Chilvers added that for both this application and the previous one, the fire safety aspects had not been responded to by the fire service and had instead only been addressed by Building Control.

In response to several questions from Cllr Jones, James Chilvers explained that he lived at No. 15 and Barry Garwood at No. 11; they were the two immediate neighbours to No. 14, and No. 15 benefitted from access rights across the garden of No. 14, along its eastern wall, and across the front garden to the public highway. Although some of the site photographs had shown a vehicle to the rear of No. 14, it had only been there temporarily for storage so was not comparable to the situation in which there would be a thoroughfare between Nos. 14 and 11 with the likelihood of daily vehicular movements. People using No. 15's right of way would be at risk of being confronted by moving vehicles and there would not be sufficient width for both a vehicle and a pedestrian. This was of particular concern for the resident and neighbouring children who regularly used it. In addition to weekly bin collections, the right of way was in regular use, particularly in warmer months, for pedestrian access as well as moving bicycles and kayaks to and from their garden.

1:20 pm Cllr Ambrose Smith joined the meeting.

In response to a question from Cllr Edwards, the objectors confirmed that they did not consider that anything had changed from the previous application, other than the removal of one dwelling. The position and orientation of the proposed dwelling was identical to one of the dwellings in the previous application, and the appeal against the refusal of that application remained outstanding which clearly indicated the applicant's preference to build two.

The Chairman requested, and received, confirmation from the Monitoring Officer that Cllr Ambrose Smith would not be able to participate in the debate or voting for this agenda item since she had missed both the Officer's presentation and the objectors' speeches. He then invited the applicant to address the Committee.

Antony Smith reminded Members that the Planning Officer had recommended approval of the application, and that no objections had been received from Environmental Health, the Local Highways Authority, Building Control, the ECDC Trees Team, Ward Councillors, or the Cambridgeshire Fire & Rescue Service. The application met the requirements of local and national planning policies and the

only objection had been from the neighbours and the Parish Council. The character of the immediate area was mixed in both dwelling size and design, and there were several nearby back-land developments, including one at 17a The Avenue. The proposal was for a modest bungalow with off-street parking for both the new and existing dwellings. The ridge height of the proposed bungalow was 1.8m lower than that of No. 11 and 3.9m lower than that of No. 14, and the dwelling would be 1.7m from the boundary with No. 11. The proposed access accorded with Highways standards and would be constructed with a bound material; the right of way for No. 15 would be retained. Nos. 17 and 17a had a very similar access arrangement which was 2.5m wide along the full length whereas the proposed access to the side of No. 14 would be wider. The applicant recognised that safety concerns had been raised, but reminded Members that the Local Highways Authority had approved the access arrangements. The proposed dwelling would be a modest but important development since bungalows were necessary and in short supply; the large housing development on Newmarket Road contained no bungalows in phase 1. He reassured Members that the contractors would work considerably, and urged approval of the application.

Cllr Jones asked for more detail about the dimensions of the driveway, and questioned whether the positioning of the proposed bungalow within the plot was intended to leave space for a second bungalow in future. The applicant explained that the access would be 5m wide for the first 11m from the highway, narrowing to 3m width for a 7m distance, and then widening again. He could not rule out a second dwelling on the site in the future, but recognised that further planning permission would be needed for that to be possible. He confirmed to Cllr Hunt that he was happy to install sprinklers in the bungalow and stated that he had talked to both Building Control and the Fire Authority, both of whom were content with the proposal. Cllr Downey questioned whether the Planning Officer had been aware of the conversation with Cambridgeshire Fire & Rescue, given that the Officer's report had indicated that there had been no comments received from them. The applicant then passed a hardcopy of the relevant correspondence to the Planning Officer and Planning Manager. The Planning Manager confirmed that Officers had not previously seen the emails, which appeared to be correspondence between Cambridgeshire Fire & Rescue and Building Control relating to the plan checking stages, with the Fire Authority noting the water sprinklers and stating that they had no further concerns.

The Chairman invited further comments from the Planning Officer, who informed Members that there was sufficient space within the application site for vehicles to turn and leave the site in forward gear, removing any need for vehicles to reverse along the shared access. She also commented that although an appeal had been lodged against the previous refusal for two bungalows, Members should consider only the application as presented; the appeal was a separate matter for consideration by the Planning Inspectorate. There were no questions from Members for the Officer. The Chairman therefore opened the debate.

Cllr Jones referred to careful consideration of the access and concluded that multiple daily vehicle movements to and from the bungalow would be unlikely. He had concerns about overdevelopment should a second bungalow be proposed, but recognised that the application under consideration was for a single dwelling. He therefore considered the application to be acceptable, and proposed that the Officer's recommendation for approval be agreed. Cllr Downey echoed Cllr Jones'

sentiments and seconded the proposal for approval. He considered it to be a reasonable proposal which had been approved by the Planning Officer and the Local Highways Authority. Whilst he understood the neighbours' reasons for objecting, he did not consider that there were planning reasons for refusal. Cllr Stubbs also sympathised with the neighbours while agreeing with Cllr Downey that there were no planning grounds to refuse the application. Although she had been concerned that approval of the dwelling could set a precedent for the appeal, she understood that Members could only consider the application as presented.

Cllr Brown stated that his concerns about the width of the shared access remained, and he understood the concerns of both neighbours. Cllr Edwards commented that the Parish Council had not supported the application due to the access concerns and the neighbour's right of way; she agreed with their position.

The Chairman added his sympathy with local concerns, and his agreement with several other Members that no planning grounds for refusal were evident. The motion to approve the application was then put to the vote.

It was resolved with 6 votes in favour, 3 votes against, and 0 abstentions:
That planning application ref 21/01628/FUL be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report.

77. 21/01778/FUL – 29 ISAACSON ROAD, BURWELL, CB25 0AF

Molly Hood, Planning Officer, presented a report (W147, previously circulated) recommending refusal of an application seeking permission for:

- the demolition of a single-storey side projection currently forming a single garage, utility and study, and adjoining the adjacent property's garage;
- the subsequent construction of a two-storey side extension to form an integral garage, utility, habitable room to the rear, and a new master bedroom with walk-in wardrobe and en-suite;
- the conversion of the loft space, including raising the ridge height of the existing front projection (the loft conversion would also utilise the loft space of the proposed two storey extension), and the inclusion of three rooflights to the front roof slopes and one large dormer to the rear;
- the addition of four further rooflights to the existing single storey extension and raised patio.

Members were shown aerial photographs and a location plan demonstrating the site's position within the development envelope and residential area of Burwell, with the conservation area meeting the western boundary of the curtilage. Elevations, floor plans and model images illustrating the proposed design and layout of the development were shown, as was the existing front elevation for comparison purposes. A previous planning application had been refused by the Committee in December 2021 on the grounds of harm to residential amenity and visual harm to the area.

The main considerations for the application were deemed to be:

- **Residential amenity** – as a result of the fenestration changes made since the previous application there were no longer any concerns regarding harm to the neighbours' residential amenity as a result of overlooking or loss of

privacy. The fence line had also been raised along part of the eastern boundary in order to protect the privacy of No. 31 following concerns about the raised patio. Although the proposal would introduce a significant level of built form to the side of the property, its location and proximity were not considered to result in significantly detrimental impacts to the surrounding properties.

- **Visual impact** – the two-storey extension would include a front projection with an 8.2m ridge height and the ridge height of the existing front projection would be increased by 1.2m, with both front projections being used as walk-in wardrobes rather than habitable areas. The higher front projection ridge heights would add significant massing to the front of the dwelling. The proposed development was therefore considered to be visually dominant and overpowering, disrupting the character of the immediate properties, and contrary to the Design Guide and policies ENV1 and ENV2 of the Local Plan 2015.
- **Highway safety** – the proposal would maintain the driveway to the front of the property for off-street parking, and the integral garage would be replaced by cycle storage. The proposed development was therefore considered to comply with policy COM8.

In summary, the proposal was considered to be detrimental to the appearance of the dwelling and the character of the streetscene, and was therefore recommended for refusal.

On the invitation of the Chairman, the applicant, Charles Pilgrim, addressed the Committee. Referring to his supporting document that had previously been circulated to Committee Members, he explained his commitment to updating the 1971 dwelling to meet modern standards. There had been no objections from neighbours, the Local Highways Authority or the Parish Council. He had not been averse to amending the proposals and had therefore made some modifications following the refusal of the previous application in December 2021. Specifically, some windows had been removed from the side elevations and the fence height had been increased. The pitches of the two front gables were essential because they provided storage for the second-floor rooms. Although they would not match the immediate neighbours, he considered it unreasonable to only compare the design with the nearest three properties in a street of approximately 60 properties. The property opposite the application site had similar pitches and there were many different building designs with no set pattern along the road. He did not consider the design to represent overdevelopment, rather he thought it was sympathetic. He considered the conclusion to paragraph 7.2.3 of the Officer's report to be a fair summary and was therefore unclear as to why the Officer had later compared the proposal to the immediate neighbours rather than the whole street.

Cllr Jones asked the applicant about the amount of separation between the proposed extension and the neighbouring property, since he had considered the previous application to be overbearing. The applicant stated that there would be approximately 1.1m separation between the two properties.

When invited by the Chairman to make any additional comments, the Planning Officer stated that whilst there had been no formal objections to the planning application, one neighbour comment had been received raising concern about the raised patio. Although revisions had been made to overcome the previous

concerns regarding residential amenity, there had been no amendments to address the visual amenity concerns.

Cllr Jones asked the Planning Officer about the setting of the application site within the streetscene, in particular whether it was part of a group of four properties. The Planning Officer explained that both the street as a whole and the immediate environment were relevant to consideration of the streetscene. The property immediately opposite the application site was an independent detached dwelling, whereas the application site was part of a set of four properties and the proposed changes would set it apart from the other three. The Chairman then opened the debate.

Cllr Every commented that, having viewed the road many times, she had carefully considered the whole streetscene and had concluded that she disagreed with the Officer's opinion that the proposal would be detrimental to the streetscene or harmful to the character of the dwelling or area. She therefore proposed that the application be approved. Cllr Ambrose Smith concurred, and added that there were many house styles along the road and the four alike properties, of which the application site was one, were not particularly striking. Cllrs Brown and Edwards agreed, with Cllr Edwards seconding the proposal for approval. Cllr Jones added that he considered the application to be acceptable now that the applicant had addressed the previous issue of overlooking.

Upon being put to the vote, it was resolved with 9 votes in favour, 1 vote against, and 0 abstentions:

That planning application ref 21/01778/FUL be APPROVED on the grounds that the proposal would not be detrimental to the streetscene or harmful to the character of the dwelling or area.

It was further resolved:

That the Planning Manager be given delegated authority to impose suitable conditions.

78. PLANNING PERFORMANCE REPORTS – DECEMBER 2021 & JANUARY 2022

Rebecca Saunt, Planning Manager, presented two reports (W148 & W149, previously circulated) summarising the performance of the Planning Department in December 2021 and January 2022. Members' attention was drawn to the enforcement notice served on Mount Pleasant Farm, 66-68 Main Street, Pymoor, which had been incorrectly included in the December 2021 report and should instead have been included in the January 2022 report. Having successfully recruited to both of the vacant positions within the department there was now a full complement of staff. In addition, the number of planning applications received had started to decline, which was welcome. All appeals decided in December had been dismissed and a date had been provided for an appeal hearing for the Site South of 10 Narrabeen Park, Whitecross Road, Wilburton, which had originally been scheduled for March 2020 and had been delayed due to COVID-19. The appeal hearing would be in-person at The Grange.

Cllr Brown commented on the enforcement notice served in Burwell in January 2022 and thanked the Officers for their prompt attention to the matter.

The Chairman thanked the Planning Manager and her team for their hard work throughout the difficult circumstances of the past two years.

It was resolved:

That the Planning Performance Reports for December 2021 and January 2022 be noted.

The meeting concluded at 2:10 pm.

21/01636/FUL

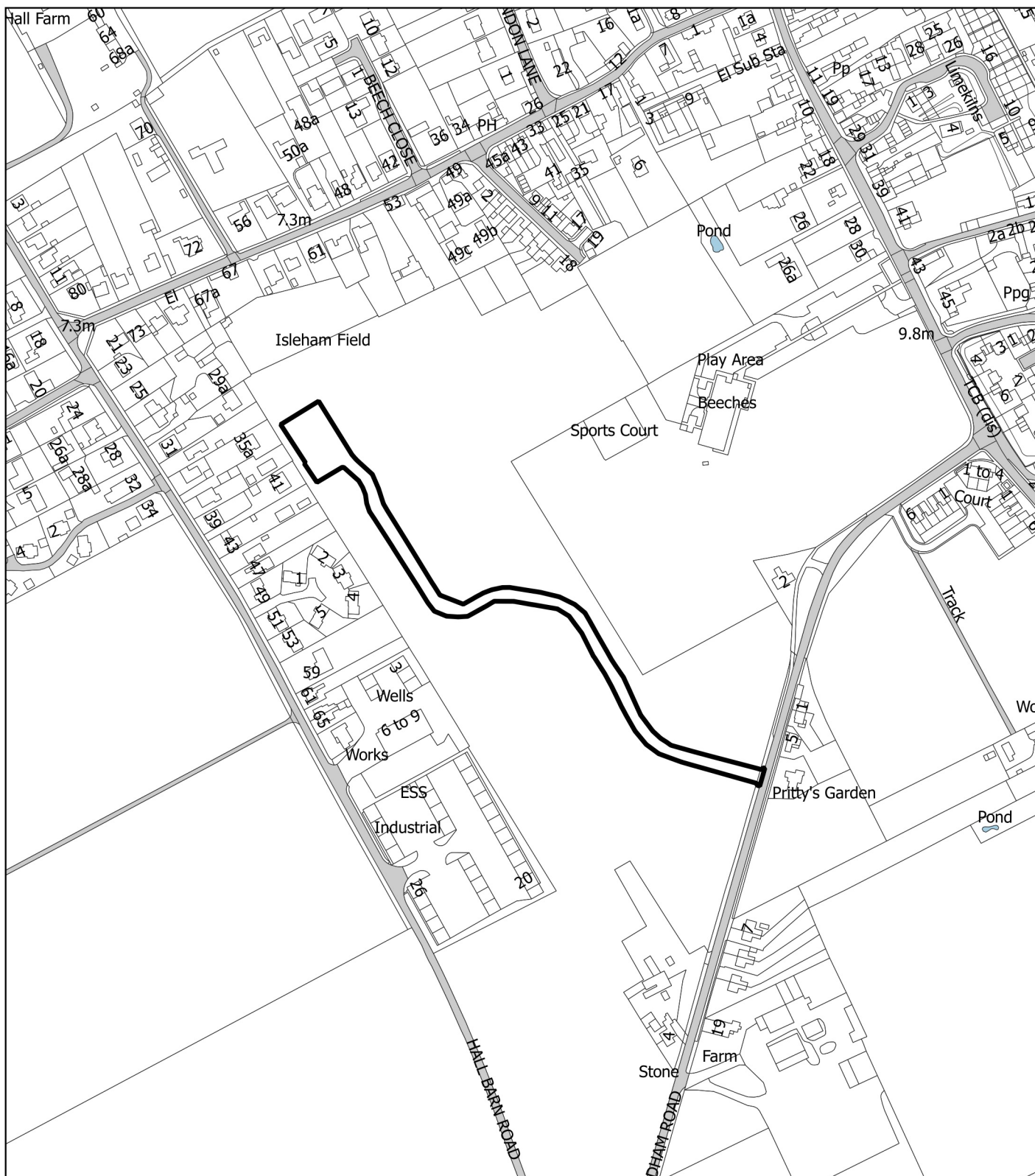
Land Accessed Between 2 And 4
Fordham Road
Isleham
Cambridgeshire

Construction of four market dwellings, garages, parking spaces, hard and soft landscaping, access and all other associated infrastructure

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=R2PP9UGGHYI00>





21/01636/FUL

Land Accessed Between 2
And 4
Fordham Road
Isleham



East Cambridgeshire
District Council

Date: 18/03/2022
Scale: 1:4,000



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MAIN CASE

Reference No: 21/01636/FUL

Proposal: Construction of four market dwellings, garages, parking spaces, hard and soft landscaping, access and all other associated infrastructure

Site Address: Land Accessed Between 2 And 4 Fordham Road Isleham Cambridgeshire

Applicant: Bloor Homes

Case Officer: Molly Hood Planning Officer

Parish: Isleham

Ward: Fordham And Isleham

Ward Councillor/s: Julia Huffer
Joshua Schumann

Date Received: 17 November 2021 **Expiry Date:** 11th April 2022
Report Number W170

1.0 **RECOMMENDATION**

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

- 1 Approved Drawings
- 2 Time Limit - FUL/FUM - 2+ dwelling
- 3 Reporting of unexpected contamination
- 4 Foul and surface water drainage
- 5 Parking, serving, etc
- 6 Soft landscaping scheme
- 7 Landscaping works
- 8 Boundary treatments
- 9 Specified Materials
- 10 CEMP
- 11 Biodiversity Improvements
- 12 Electric car charging points

2.0 **SUMMARY OF APPLICATION**

2.1 Provision for self-build plots was acknowledged during the outline application (18/00363/OUM) and secured via the S106 agreement. In the subsequent reserved

matters (19/00447/RMM), plots 117, 116, 115, 114 were formerly allocated as self-build. In accordance with the S106 agreement, this application seeks confirmation that the Clause of Part 4 of the Third Schedule has been complied with and the self-build plots can be transferred to market dwellings.

- 2.2 As such permission is sought for the construction of four market dwellings with associated parking, garage and landscaping. The dwellings proposed are house types which are already approved on the surrounding residential development. Plots 117 and 114 are house type Wilton and Plots 115 and 116 are house type Hallam. Since the submission of the application, works have commenced on the site to lay the footings and initial brick work of the dwellings.
- 2.3 The application has been called into Planning Committee by Councillor J Schumann and Councillor Huffer as it was felt the application would benefit from being put back before the committee for their consideration.
- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

3.1

18/00363/OUM	Outline planning permission with all matters reserved except for access for the erection of up to 125 dwellings including affordable housing, land to be reserved for nursery use (Use Class D1), open space including an extension to the recreation ground, play areas, sustainability drainage features and associated infrastructure including foul sewage pumping station	Approved	08.11.2018
19/00447/RMM	Reserved Matters for the construction of 121 dwellings and associated works following approval of outline planning permission 18/00363/OUM	Approved	06.12.2019
19/00447/NMAB	Non material amendment to application 19/00447/RMM for Reserved Matters for the construction of 121 dwellings and associated	Accepted	03.11.2020

works following approval of
outline planning permission
18/00363/OUM seeking to
reduce the entrance
footpath width from 3m to
2m as previously approved
under application
18/00363/OUM

19/00447/NMAC	Non material amendment in regards to agreed materials as detailed in conditions 1 and 4 to previously approved 19/00447/RMM for Reserved Matters for the construction of 121 dwellings and associated works following approval of outline planning permission 18/00363/OUM	Accepted	27.10.2020
19/00447/NMAD	Non-material amendment to application 19/00447/RMM for Reserved Matters for the construction of 121 dwellings and associated works following approval of outline planning permission 18/00363/OUM seeking to substitute some of the approved plots and consequential layout amendments	Accepted	14.05.2021

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site forms four plots within the wider Bloor Homes development off Fordham Road which comprises 125 dwellings. The residential development is partially occupied and partially still under construction. The site is situated outside the defined development for Isleham. To the south-west of the site are residential dwellings which are accessed off Hall Barn Road. To the north-west, north-east and south-east are the residential properties approved as part of applications 18/00363/OUM and 19/00447/RMM and are currently under construction.

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 - 7 December 2021

As a result of their initial consultation and specifically their dialogue with the residents of houses bordering this development Bloor Homes assured residents that their properties would not be overlooked. As a result, Bloor Homes specifically agreed to only construct bungalows along the boundary with existing properties on Hall Barn Rd. This proposal is clearly not within the spirit of that commitment and will clearly affect both the light and privacy of at least three existing premises: 35a, 35b and 41 Hall Barn Rd

Similarly, we regard some of the design drawings to be misleading.

- While there is a 5m buffer zone between the gardens of the existing and new properties Bloor themselves have insisted on a 2.6 m growing height restriction, yet the updated street scene clearly shows trees taller than the houses themselves growing (we can only assume) in this zone
- The 27.6m gap identified between the old and proposed new properties does not take into account the conservatory(s) built onto the existing houses
- The ground level for the new houses (actually the entire site) is unquestionably higher than that of the existing properties and this will exasperate the overlooking and loss of light to these properties

It would therefore be our expectation that Bloor homes honors their commitment to the existing residents and redesigns these properties as single story /dormer bungalows

Lead Local Flood Authority - 4 February 2022

We have reviewed the following documents:

- Planning Statement, Pegasus Group, Ref: P21-0809, Dated: November 2021

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

The above documents demonstrate that surface water from the proposed development can be managed within the wider scheme. The proposals covering the wider planning permission include these plots within the attenuation volumes accounted for and therefore there will be capacity for these dwellings within the proposed and approved wider surface water system.

We request the following condition is imposed:

Condition

The surface water drainage scheme shall be constructed and maintained in full accordance with the Planning Statement as submitted by Pegasus Group (ref: P21-0809) dated November 2021.

Reason

To prevent an increased risk of flooding and protect water quality

Ward Councillor J Schumann – 24 January 2022

This is a significant shift from what was previously (indicatively) agreed at outline stage and therefore I would be inclined to have this put back before the committee for their consideration.

Unless Cllr Hunt feels differently I would like this item to come to a future committee meeting. I am however, mindful that committee is a costly forum and the agendas can sometimes be lengthy so if this is not supported I will speak with Cllrs Huffer and Goldsack and see whether they feel I should reconsider.

Ward Councillor Huffer – 2 February 2022

After discussion with the Chair of Isleham Parish Council, I would be grateful if this item could be called into committee, as there is much local anger about this situation and I feel that the application would benefit from a public airing.

Waste Strategy (ECDC) - No Comments Received

Local Highways Authority - 8 December 2021

I do not object to this application. The proposals are consistent with the wider development which benefits from existing permissions.

The applicant should however ensure that detail aligns with CCC's Housing Estate Road Construction Specification so that these four dwellings do not compromise any potential adoption agreements for the wider site.

CCC Growth & Development - No Comments Received

ECDC Trees Team - 24 January 2022

No tree related objections but please condition the submission of a suitable soft landscaping scheme.

Environmental Health - No Comments Received

The Gardens Trust - No Comments Received

- 5.2 A site notice was displayed near the site on 29 November 2021 and a press advert was published in the Cambridge Evening News on 2 December 2021.
- 5.3 Neighbours – Six neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

Self Build

- Originally plots 114, 115, 116, 117 were to be offered as self-builds, but no discussions were entertained at the time as to the details of these builds. It is now apparent that no offers were accepted and now Bloor Homes wish to build these properties.
- Bloor initially stated they would build bungalows adjacent to Hall Barn Road - Bungalows in key locations to reduce the impact on existing adjacent dwellings.'
- Andrew Phillips, Planning Officer, stated to the Planning Committee in considering 19/00447/RMM, in Agenda Item 3, date 6 Nov 2019, "it was noted Bloor had created a Buffer Zone and Bungalows were placed along the rear of the existing properties of the Briars and the distance between them would stop the existing dwellings overlooking future residents and protect residential amenity. Existing

vegetation would be strengthened to the rear of the properties, and the self-build would be assessed when reserve matters were submitted.

Residential Amenity

- Parish Council were supportive of the properties subject to Bungalows being built where homes back onto Hall Barn Road. Bloor Homes stated that bungalows were to be built in key locations (including 33, 29a, 29b The Briars and thus so should include without prejudice 35a, 35b and 41 which are in similar proximity) to reduce the adverse impact on existing adjacent dwellings. It seems discriminatory to consider two storey plots when they have been determined as unsuitable along Hall Barn Road.
- The two storey properties will result in overlooking, overbearing, loss of privacy and loss of natural light from the Spring/Summer morning light.
- The base of the build seems to be at least a foot higher than our (No.35A) ground level, meaning the height of these will be unacceptable.
- There will be a great impact of 'Glare' from the house lights.
- Two storey houses are currently being built on plots 112 & 113 between the bungalows and back onto No.43, 45 and 47 Hall Barn Road which have very long gardens.
- Mr. Eburne the then Planning Director for Bloor stated "Bloor had 5* accreditation – and neighbours could be assured that the relationship with neighbouring properties would be respected. There would be no overlooking or overbearing.
- Inappropriate design, scale and height of the two storey houses.
- The properties will be intrusive.
- The unilateral removal of the screening condition and the already established unsuitability of two storey buildings, in close proximity, on this land, must be assessed in the correct context and in the interest of protecting our privacy and amenity.

Landscape Buffer

- Bloor homes agreed to offer the buffer land between Hall Barn Road dwellings and the new constructions for the Hall Barn residents to manage and secure.
- The expectation was to plant trees and shrubs to screen the development, however when the day came to sign legal documents, Bloor stated we could not grow anything higher than 1.8m (3.2ft) in the buffer zone. We (Hall Barn Road residents) objected as it would not screen the estate. After further discussion, the Board of Bloor Homes decided to increase the height of planting to 2.6m (8.5ft) or else they would not sell the land. If one party had continued to object to this the whole transfer would have fallen.
- The properties will have a greater impact since Bloor Homes transferred the "Buffer Zone" to the Hall Barn Road residents adjacent to their building site.
- In the document P18-1261_29A "Design and Access Statement" para 1.10 Landscaping; it states the following: "The scheme will benefit from the landscaping proposals approved as part of the main RM (19/00447/RMM) application. Notably the 5m landscaping buffer with additional planting at its site along the western site boundary, where the proposed dwellings back onto the rear boundaries of the adjacent dwellings." They are now not able to plant in the buffer zone and we are not able to screen, as Bloor's has committed us to agreeing the above 2.6m which does not give adequate screening.

- In the document P18-1261_30 sheet A, the sketch Site Section is showing a cross section from 35B Hall Barn Road through the Buffer, then to a proposed new build Plot 116. The sketch of 35B is not representative and does not show the built on conservatory.
- The streetscene illustration demonstrates the properties will have trees to the rear and growing above the height of these houses, assumedly growing in the buffer zone. This gives a false impression given the restraints in the planting they placed on neighbours.
- The amended documents makes only a minor change to acknowledge the transfer of the Buffer Zone.

Other Matters

- As neighbour Bloor Homes contact has been non-existent.
- Bloor have already built the foundations for the four properties.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy 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 Draft Isleham Neighbourhood Plan

Policy 1a	Housing Growth
Policy 2	Isleham's Development Envelope
Policy 3	Character and Design
Policy 7	Wildlife & Habitats
Policy 10	Car Parking
Policy 11	Cycle Parking & Storage

6.3 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

6.4 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

6.5 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main considerations of this application are: principle of development, impact on highways safety, residential amenity, biodiversity and impact on visual appearance and character of the wider area. Outline planning permission was granted under 18/00363/OUM for up to 125 dwellings and following this an application was received for the reserved matters for 121 of those dwellings as four plots were excluded for self-build. A number of non-material amendments have been received since the reserved matters approval, which have altered minor aspects of the wider development but nothing specifically related to the four self-build plots.

7.2 Neighbourhood Plan

7.2.1 Neighbourhood planning was introduced in England through the Localism Act 2011 with legislation coming into effect in April 2012 through the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Planning Act 2017 states that Section 70 (2) of the Town and County Planning Act 1990 is to be amended to read as follows:

- ‘In dealing with such an application [for planning permission] the authority shall have regard to:
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post-examination draft neighbourhood development plan, so far as material to the application
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations’

7.2.2 The draft Neighbourhood Plan contains a number of policies which are applicable to this current proposal, in particular Policy 1a - Housing Growth and Policy 2 – Isleham’s Development Envelope. Other policies which would apply to the development are Policy 3 – Character and Design, Policy 7 – Wildlife & Habitats, Policy 10 – Car Parking and Policy 11 – Cycle Parking and Storage. Policy 2 – (Isleham’s Development Envelope) has a modified development envelope from that within the East Cambridgeshire Local Plan 2015 and in accordance with map 5 the

site is within the settlement boundary. Whilst all of these policies are applicable to this proposal, they are only considered to have moderate weight.

- 7.2.3 The 'draft' Isleham Neighbourhood Plan (RNP) has been published for public consultation and recently independently examined. The Council has now updated the Isleham Neighbourhood Plan to reflect the examiner's recommendations. The Neighbourhood Plan Referendum will be held on Thursday 28 April 2022, and therefore is only regarded having moderate weight.

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 paragraph 219 of the NPPF. 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 SSHCLG* [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 notably 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 Turning to the facts of this particular application, the proposal is located outside of the development envelope, and is not one of the exceptions listed in GROWTH 2. The proposal is also not located at one of the three market towns, where growth is directed to by GROWTH 2. It is, therefore, contrary to policy GROWTH 2, however, it is within the development envelope of the Isleham Neighbourhood Plan which can be afforded moderate weight due to the point it has now reached (i.e. referendum in April).
- 7.3.8 The Council have considered whether GROWTH 2 (including development envelopes derived by it) should be considered out of date or not, and in particular in doing so considering recent appeal decisions on this matter. A number of appeal decisions in settlements beyond the market towns have indicated that GROWTH 2 is up to date.

- 7.3.9 The Council has carefully considered all of these decisions and in particular whether the circumstances are similar to those in the recent appeal decision in Soham (in respect of the nature of the conflict). The Council considers that the Soham decision is distinguishable.
- 7.3.10 All recent decision makers (including the Appeal Inspectors) have concluded that the locational strategy of the policy is consistent with the NPPF. As the Soham Inspector observed at DL17: “general objectives of the policy to manage patterns of growth and protect the setting of towns and villages are good ones that are consistent with the Framework”. For the purposes of this application, GROWTH 2 is considered up to date, however the moderate weight of the Isleham Neighbourhood Plan and other material considerations have to be applied.
- 7.3.11 The development of these four plots as self-build dwellings has been previously agreed through the outline permission 18/00363/OUM. However, the reserved matters of those plots didn’t come forward within the time period of three years as set out by condition 2 and as such the outstanding principle from the outline permission expired. As such the site no longer has extant permission for these properties, but previously four residential properties in this location has been accepted.
- 7.3.12 An Appeal Decision (APP/W0530/W/20/3253436) in a neighbouring authority, evidences a situation where a site was outside of the defined development envelope and therefore an area of countryside, however the development sat amidst an area of modern housing. The Planning Inspector noted the surroundings of the site were subject to large housing developments, meaning the development would occupy a gap in between existing housing. As such the Inspector determined due to the surrounding context the site had more affinity with the suburban form surrounding and did not result in encroachment to the countryside. The Appeal Decision shares similarities to the site in Isleham as the four plots are enclosed by residential development.
- 7.3.13 Furthermore, a recent Appeal Decision (APP/V0510/W/21/3283673) within East Cambridgeshire allowed a single dwelling outside of the defined development envelope under policy GROWTH 2. Since defining the settlement boundaries as per the 2015 Local Plan, the surrounding area to the appeal site had seen approvals for small residential developments. As such the Planning Inspector advised the development boundary no longer reflected the current situation. The Inspector stated that whilst contrary to policy GROWTH 2, the change in the character of the area amounts to a material consideration that justifies a decision at variance with the development plan.
- 7.3.14 For the current application GROWTH 2 is considered up to date and as such the presumption in favour of sustainable development is not engaged. The proposal conflicts with GROWTH 2 due to the site’s location outside of the Local Plan development envelope and forms a departure development. However, in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004, there are a number of material considerations which are afforded weight in the consideration of the application. Whilst the site is outside the Local Plan’s defined development envelope it is within the updated development boundary as per the Isleham Neighbourhood Plan, which is given moderate weight. Furthermore, the

surrounding area has evolved through permissions 18/00363/OUM and 19/00447/RMM since the development boundary was defined, meaning the site is now enclosed by residential dwellings. In addition, the appeal decision within East Cambridgeshire (paragraph 7.3.17) notes the importance of considering changes to the character of an area and when defining Local Plan boundaries no longer reflect the existing situation. The development of these four plots on the Bloor Homes site would not result in encroachment to the countryside, nor would it significantly change the character of the area as the site is enclosed by residential development. Therefore, the development would protect the countryside and the setting of the village, consistent with the Framework. In review of all material planning considerations the principle of four residential dwellings on the site is acceptable.

- 7.3.15 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 Self-Build Plots

- 7.4.1 Application 18/00363/OUM acknowledges the requirement for self-build plots on the wider development site to ensure the proposal was in accordance with policy HOU 1 and these were secured through the s106 agreement. Neighbour comments have expressed concern over the scale of the self-build plots and referenced the previous reserved matters application.

- 7.4.2 Part 4 of the Third Schedule of the s106 agreement relates to self-build dwellings and states the following:

- 1.1 Prior to first occupation of 75 % of the Market Housing Units the Self-Build Plots shall have all services and vehicular access provided.
- 1.2 Prior to the first Occupation of 75% of the Market Housing Units the Self-Build Plots shall only be marketed for sale at full market value to individuals on the Self-Build Register.
- 1.3 If after (whichever is the earlier of); (a) two years from the commencement of marketing pursuant to paragraph 1.2; or (b) the sale of 50% of the Market Housing Units within the Site (excluding the Self-Build Plots), contracts for the sale of any Self-Build Plots have not exchanged, the restrictions and obligations in this Part 4 shall no longer apply and any Dwellings built on the Self-Build Plots may be sold on the open market free from any encumbrance and the provisions within this Part 4.

- 7.4.3 The Planning Statement illustrates the developer's compliance with Clause (b) of 1.3, as a drawing and letter has been provided from the Design and Technical Director at Bloor Homes. The letter dated the 29th October 2021 and drawing attached as Appendix 1 to the Planning Statement illustrates 43 plots which have been sold or exchanged. However updated information received during the lifetime of the application advise Bloor Homes have sold/exchanged on 52 Plots which exceeds the 50% threshold. Furthermore, the agent has confirmed that

none of the self-build plots have reached a point where contracts have exchanged. In terms of the marketing, once the plots were available for sale the Applicant provided details to the Council. Sally Bonnet (ECDC Corporate Unit Manager) confirmed the council were notified of the plots and following this the information was sent to those registered on the Self-build register at the time (8 people) on 28/06/2021. The applicant advised that details of the self-build plots were also made available to prospective purchasers at the sales office on the site. The applicant contacted the Council on the 12th July 2021 seeking the removal of the self-build plots from the register with immediate effect.

- 7.4.4 Clause 1.3 only requires one of the (a) or (b) to be complied with and stipulates whichever is the earlier. The developer has demonstrated compliance with Clause 1.3 (b) and such it is considered that the plots can be released as dwellings which the developer can build out and are no longer required to be self-build plots.

7.5 Residential Amenity

- 7.5.1 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. 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. Furthermore, policy 3 of the Isleham Neighbourhood Plan seeks for development to not result in unacceptable impacts on the amenity of occupants of neighbouring or nearby properties.

- 7.5.2 Neighbour comments expressed concern over the amenity impacts of the dwellings, advising of intrusive, overlooking, overbearing, loss of privacy, glare from the lights and loss of natural light from the Spring/Summer morning light. The comments describe the proposal as inappropriate design, scale and height, with the base of the build being a foot higher than No.35a Hall Barn Road.

- 7.5.3 It is acknowledged that the two storey properties will have views towards the dwellings on Hall Barn Road and an element of overlooking will be introduced, however the degree of this overlooking is not considered to significantly detrimental. Both the Wilton and Hallam designs include two habitable windows and one bathroom/en-suite window to the rear.

- 7.5.4 The Design Guide SPD advises the distance between rear inter-visible windows should be a minimum of 20 metres (65.6ft); this will require the rear elevation of any dwelling to be located at least 10 metres (32.8ft) from the rear boundary. All four dwellings rear elevations will be situated over 10m (32.8ft) from the rear boundary and the distance between the proposal and the three directly opposite properties exceeds the 20m (65.6ft) as stipulated by The Design Guide SPD. The distance between inter-visible rear windows of the three properties and the four plots are the following:

- Plot 117 is approximately 30.4m (99.7ft) to the rear elevation of No.35a.
- Plot 116 is approximately 25.1m (82.3ft) to the edge of the conservatory and 28.1m (92.1ft) to the rear elevation of No.35b.

- Plot 115 is approximately 26.8m (87.9ft) to the rear elevation of No.41.
- Plot 114 is approximately 23.6m (77.4ft) to the rear of the conservatory and 26.9m (88.2ft) to the rear elevation.

7.5.5 Taken into the account of separation distances between the proposed dwellings and the compliance with The Design Guide, the two first floor windows on each property's rear elevation are not considered to result in detrimental impacts to residential amenity, through significant overlooking or detrimental loss of privacy. In addition, the new properties are not considered to result in significant amenity impacts as a result of glare from the windows.

7.5.6 The dwellings are 10m (32.8ft) from the rear boundary and the layout follows the pattern of built form across the wider development. It is considered the location, layout and scale of the properties would not result in detrimental overshadowing, overbearing, oppressive or intrusive impacts to the surrounding occupiers either existing or future residents of the new dwellings. The comments reference the land levels being raised on the site, however the proposal doesn't illustrate a rise in ground levels for the plots. Furthermore, confirmation was sought from the agent that the ridge heights of the proposed are in line with the adjacent two storey dwellings on plots 113 and 112. It was confirmed that new dwellings will sit at 8491mm whereas the adjacent plots at 8494mm, meaning the dwellings are marginally lower. It is considered that the proposed properties comply with policy ENV2 of the Local Plan, policy 3 of the Neighbourhood Plan and The Design Guide SPD, as well as chapter 12 of the NPPF.

7.5.7 Comments received state the unilateral removal of the screening condition and the already established unsuitability of two storey buildings, in close proximity, on this land, must be assessed in the correct context and in the interest of protecting our privacy and amenity. The comments received describe the application as discriminatory when two storey properties have been determined as previously unsuitable. Whilst revisions were made on the wider development to the corner plots, making them bungalows, the previous outline application (18/00363/OUM) did still consider two storey properties acceptable along this south-western boundary.

7.5.8 Condition 14 applied to the outline planning permission (18/00363/OUM) required at least 5% of all the dwellings to be provided on the site to be bungalows (single storey dwellings) and this has been satisfied by the wider development, therefore permitting two storey properties on this current application site would not be contrary to the previous permission. In addition, drawing CSA/2946/111 Rev B from the outline permission includes parameter heights and advises this section of the site could incorporate two storey properties. Therefore, the current application is not proposing a scheme which is considered to be contrary to the matters permitted under the previous permissions on the site.

7.6 Character and Appearance

7.6.1 Paragraphs 126 and 130 of the NPPF seeks 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. Policy ENV2 requires all development proposal to be designed to a high quality, enhancing and complementing the local distinctiveness and public amenity by relating well to existing features and introducing

appropriate new designs. Furthermore, Policy 3 the Neighbourhood Plan seeks for development proposals to deliver high quality through responding to important characteristics of the surrounding area including views, buildings and their materials and design features, building heights and space between buildings.

- 7.6.2 The proposal is for four detached two storey dwellings, split into two different house types which are represented elsewhere within the surrounding development. Plots 117 and 114 are proposed as the Wilton house type, whereas the central plots of 116 and 115 are the Hallam house type. The dwellings will front the internal access road and complement well to the existing layout and line of built form. Adjacent to Plot 117 is a bungalow and whilst the current property is two storey, the scale is not considered to be visually overpowering and reflects the relationship between plots 112 and 111. Furthermore, the four properties will relate well to the two storey dwellings to the south-east as they share similarities in design and form. The proposed dwellings are of a design and scale which is in keeping and complementary to the surrounding house types. It is considered the dwellings will read well within the wider streetscene.
- 7.6.3 The proposed garages for each property are in accordance with the Design Guide SPD, as these are situated to the side or rear. It is considered the positioning of the garages will not compete with host property and remain subservient in appearance within the streetscene. In addition, the parking is to the side of the properties meaning the streetscene when approaching the dwellings will not be dominated by parking.
- 7.6.4 Policy ENV1 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. Proposed materials for the properties include Forterra Village Harvest Multi brick for majority of the external walls, with finer architectural details in Ibstock Holmwood Natural. Roof tiles will be Marley Modern Smooth Grey and fenestration materials include UPVC white windows with a Card Room Green door. The materials will be complementary to the adjacent bungalows and two storey properties to the north-west, north-east and south-east, as aspects from each of the surrounding dwellings are mirrored within the proposal.
- 7.6.5 The four dwellings with associated parking and garages are considered to form a complementary and cohesive addition to the wider development. As such the proposal is compliant with policies ENV1 and ENV2 of 2015 Local Plan, policy 3 of the Isleham Neighbourhood Plan, The Design Guide SPD and Chapter 12 of the NPPF.

7.7 Highway Safety and Parking Provision

- 7.7.1 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. The application demonstrates the access road to serve the dwellings and the agent has confirmed the access road is implemented, which was confirmed by the Officer site visit. The Local Highway Authority raise no objection to this application, advising the proposal is consistent with the wider development which benefits from existing permissions. Following the request from the LHA, the agent has confirmed the application aligns with CCC's Housing Estate Road Construction Specification. The properties are considered to have a safe, suitable and convenient access.

7.7.2 Policy COM8 requires proposals to provide adequate car and cycle parking provision. Each residential property delivers two off street car parking spaces to the side of the properties on the driveways. In addition, the parking plan illustrates each property having the availability for parking within the garages and the internal dimensions of the outbuildings (3.1m x 6m) do support this. Alternatively, the garages can be utilised for secure cycle parking. It is considered the proposed number of spaces complies with the parking standards set out within policy COM8 and policy 10 of the Neighbourhood Plan. To further ensure the developments compliance to policy 10 of the Neighbourhood Plan a condition will be applied seeking the facilities for electric vehicle charging points.

7.8 Drainage

7.8.1 Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. The policy states that development would not be permitted where it would intensify the risk of flooding for the development or surrounding properties elsewhere, it should also take into account climate change allowances and surface water runoff. The application confirms foul water will be via the mains sewer and surface water drainage will be handled via sustainable drainage system.

7.8.2 Application 18/00363/DISC discharged the details for the surface water and foul water drainage strategy for the wider site, however the self-build plots drainage details remain unknown at that stage. Drawing EA129-EN-090 C from 18/00363/DISC illustrates foul and surface water pipes are running under the access road and therefore in proximity to the site. The Planning Statement includes a letter from Withers Design Associates confirming the drainage scheme designed for the site accounts for the self-build plots and connection points for the four plots have been included. The letter advises that in their opinion they cannot foresee any changes or issues with these Plots on the Site. Comments from the Lead Local Flood Authority have confirmed they raise no objection in principle and that the proposals covering the wider planning permission include these plots within the attenuation volumes accounted for. As such the previously approved drainage under 18/00363/DISC offers the capacity for the four plots, however a condition is required to illustrate the dwellings connection to the wider system. The condition requesting the foul and surface water drainage details should deliver the information sought by the recommended condition from the Lead Local Flood Authority. The condition wording has been altered due to the development already commencing on site. It is considered the information supplied is sufficient to address drainage for the new dwelling and is compliant with policy ENV8 and chapter 14 of the NPPF.

7.9 Contamination

7.9.1 All applications for residential use are considered particularly sensitive to the presence of contamination. Under application 18/00363/OUM the entire site was subject to a Geo-Environmental and Geotechnical Site Assessment report and a Phase I Contamination Assessment. The Scientific Officer accepted the findings of those reports and confirmed the site appears to be at low risk of land contamination and no further investigation was necessary. Therefore, it is considered the matters of contamination were handled under application 18/00363/OUM and only the standard condition for unexpected contamination in the event the application is recommended

for approval will be applied. Subject to the relevant conditions being appended, the proposal accords with Policy ENV9 of the Local Plan 2015.

7.10 Biodiversity Net Gain

7.10.1 Paragraph 174 (d) of the NPPF seeks for developments to contribute and enhance the natural environment by minimize 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. In addition, the Neighbourhood Plan policy 7 seeks for development proposals to achieve an overall net gain in biodiversity, in accordance with provisions set out in the NPPF and the Environment Act 2021.

7.10.2 The site is part of wider development and as part of the outline permission (18/00363/OUM) extensive ecology reports where undertaken. However, the development is still required to deliver a biodiversity net gain through the four properties and as such a Preliminary Ecological Appraisal report has been supplied for the site. The Appraisal makes a number of recommendations to deliver a net gain through the development, including the installation of two integrated bat boxes in each dwelling and a total of eight swift boxes mounted in groups of four on separate buildings. Other recommendations included hedgehog highways and bee bricks. The Trees Officer has raised no objection and but has sought a condition for the submission of a suitable soft landscaping scheme. With the proposed measures it is considered the development will contribute and enhance the natural environment and create new habitats to support biodiversity gain, subject to the compliance condition being added. As such the proposal complies with policy ENV7 of the Local Plan, policy 7 of the Neighbourhood Plan and The Natural Environment SPD.

7.11 Efficiency and Renewables

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 contains an Energy Statement Technical Note/Addendum which advises:

Briary Energy undertook an Energy Strategy Statement for 125 plots at Fordham Road, Isleham, dated July 2019, which calculated the baseline energy demand and carbon emissions for the site, and determined an appropriate renewable energy strategy in order to achieve a 19% carbon emission reduction on site.

The 2019 Energy Statement included as part of the carbon emission and renewable energy strategy four plots that were to be assigned to be self-build properties. Appropriately sized house types from existing Bloor Homes housing stock were used in place of these units for the purpose of the planning

application, to ensure that the carbon emissions calculated were valid for the entire development.

This parcel has been reassigned and will now include two Wilton and two Hallam house types. Both house types have been assessed using the SAP 2012 methodology and we can confirm that the impact on both the overall carbon emission figures for the site will be negligible. The stated PV panel target for the development will therefore remain as 85 kWp

7.11.2 It is considered the four dwellings will adhere to the wider developments efficiency targets and the properties will as far possible reduce carbon. The proposal is considered to address policy ENV4 and the Climate Change SPD.

7.12 Other Matters

7.12.1 A number of neighbour comments have raised concern over the landscape buffer, particularly highlighting the changes since the original applications were determined and the drawings submitted. The landscape buffer was transferred to the neighbouring properties and has since been subdivided to form curtilage additions to some residents on Hall Barn Road. From the Officer site visit it was noted that nearly all properties on Hall Barn Road which back onto the development have incorporated the additional 5m depth in to the curtilages. As such amended drawings were requested to remove any reference to a separated landscape buffer and any indicative landscaping, with the drawings accurately representing the subdivision of the buffer into the curtilages of the neighbours. Some comments have expressed concern that during the transfer of the land a height restriction was applied at 2.6m which restricts the planting. The Council were not a party to the transfer but are aware of the change in ownership to the land which forms the landscape buffer and should a height restriction have been placed on the transfer at 2.6m then this could interfere with the compliance of condition 6 of the reserved matters application 19/00447/RMM and be contrary to the obligation within the S106. However, those parties directly involved in the transfer may apply to have the restriction removed.

7.12.2 Immediately before the submission of the Committee Report the agent advised that their client has been corresponding with the neighbours and have confirmed that the height restriction in the covenant will be removed as requested by the neighbours. They advised this offer is on the basis of the neighbours providing written confirmation that they are removing their objections; however, their client has confirmed that they would still remove the covenant even if they didn't. No formal withdrawal of neighbour comments had been received prior to or on the 28th March 2022 and the removal of the covenant forms a private matter.

7.13 Planning Balance

7.13.1 The proposed development has fulfilled the requirements of s106 to allow the release of the self-build plots. The dwellings are not considered to result in significant harm to the residential amenity of surrounding occupiers or harm to the character or appearance of the surrounding development and locality beyond. The proposal will not result in significant harm to highway safety or flood risk and can deliver a biodiversity net gain.

7.13.2 Policy GROWTH 2 has been considered up to date in respect of this application and the proposed development is contrary to the locational strategy contained within GROWTH 2. However, material planning considerations, such as the site's location in the development envelope of the Isleham Neighbourhood Plan (which is afforded moderate weight), the existing surrounding character of residential properties which has evolved since the development envelope boundaries were drawn and recent appeal decisions, are considered to indicate that a departure from the Development Plan is justified. The application is therefore recommended for approval

8.0 APPENDICES

8.1 Appendix 1: Recommended Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/01636/FUL	Molly Hood Room No. 011 The Grange	Molly Hood Planning Officer 01353 665555 molly.hood@eastcambs.gov.uk
18/00363/OUM	Ely	
19/00447/RMM		
19/00447/NMAB		
19/00447/NMAC		
19/00447/NMAD		

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 21/01636/FUL Conditions

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

Plan Reference	Version No	Date Received
P18-1261_25	C	10th February 2022
P18-1261_23	B	10th February 2022
P18-1261_24	D	10th February 2022
P18-1261_32	D	10th February 2022
P18-1261_27	C	10th February 2022
P18-1261_28	C	10th February 2022
394.PL-01		10th February 2022
394.PL-06		10th February 2022
394-1.PL-01		10th February 2022
394-1.PL-06		10th February 2022
470.PL-01		10th February 2022
470-1.PL-01		10th February 2022
GL01.PL-01		10th February 2022
P18-1261_26	B	10th February 2022
Preliminary Ecological Appraisal	Version 1	15th November 2021
CEMP		15th November 2021

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of this permission.
- 2 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 3 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 4 Within three months from the date of determination a scheme to dispose of foul and surface water should be submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to the occupation of the dwellings.

- 4 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 5 Prior to first occupation of each dwelling or commencement of use the proposed on-site parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan P18-1261_26 B and thereafter retained for that specific use.
- 5 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 6 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 6 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 All hard landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on drawing P18-1261_25 C. The boundary treatments shall be in situ and completed prior to the first occupation on the site. All works shall be carried out in accordance with the approved details and retained thereafter
- 8 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

- 9 The materials to be used in the construction of the external surfaces of the development shall be either:
- a. As detailed on drawing P18-1261_32 D; or,
 - b. Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.

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

- 9 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 Work shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) regarding mitigation measures for noise, dust and lighting during the construction phase. The development on site shall be in accordance with the construction and delivery times as specified in the CEMP and adhered to at all times during all phases.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 The biodiversity improvements outlined in the Preliminary Ecological Appraisal Report Version 1 dated September 2021 shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 11 Reason: To protect species and sites of nature conservation, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 12 Prior to first occupation of any dwelling a scheme for the provision of facilities for electric plug-in vehicles shall be submitted to and approved in writing by the Local Planning Authority and thereafter, provided prior to first occupation of the dwelling to which it relates.
- 12 Reason: The application has been assessed as acceptable and complying with policy 10 of the Isleham Neighbourhood Plan on this basis.

21/01694/FUL

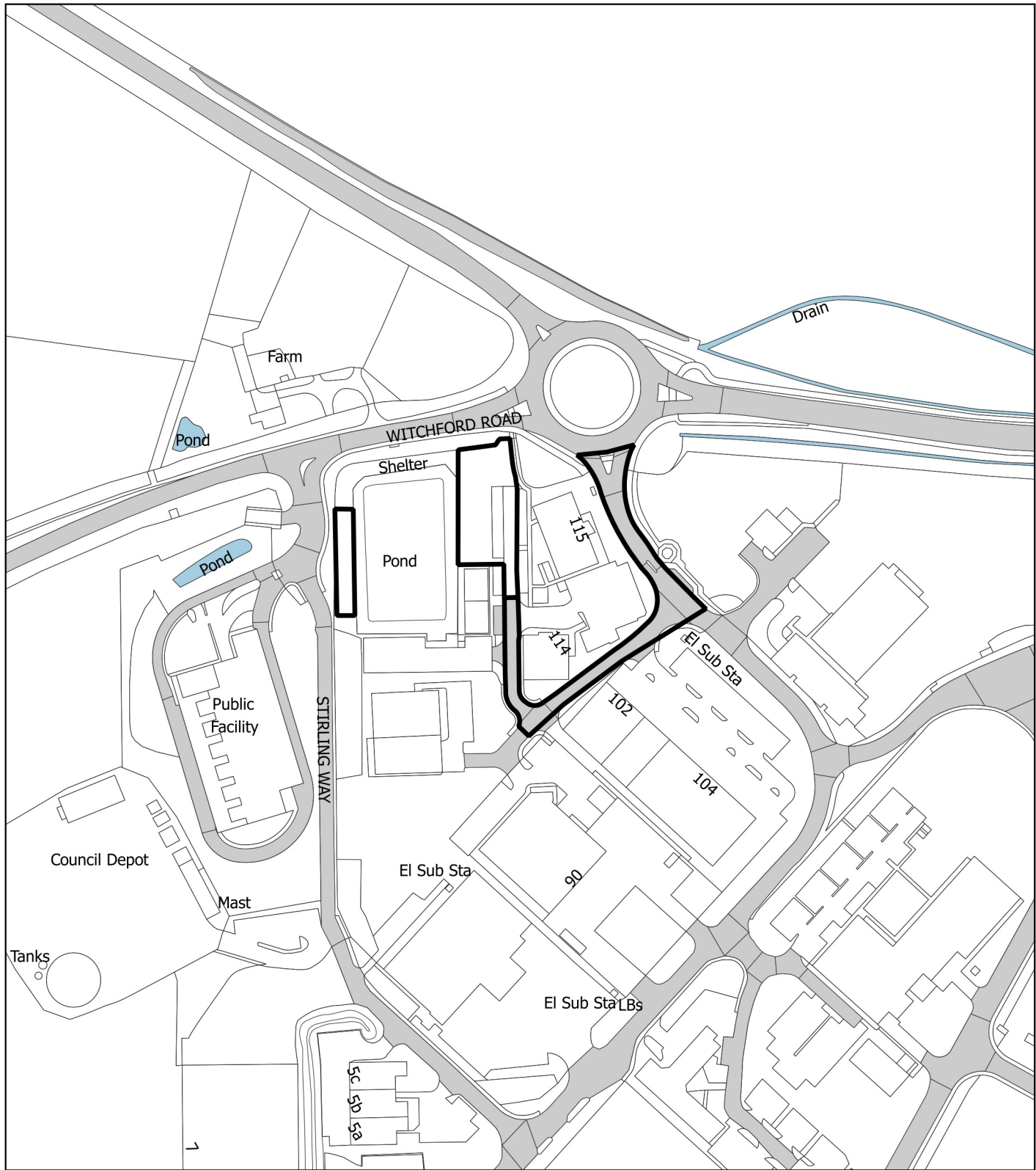
Land West Of 115
Lancaster Way Business Park
Ely
Cambridgeshire

Erection of a new commercial building comprising Use Class E (Office, Research and Development, and Health Services) with ancillary plant, external lighting, car parking, cycle parking and associated infrastructure

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=R34WKSGGIBB00>





21/01694/FUL

Land West Of 115
Lancaster Way Business Park
Ely



East Cambridgeshire
District Council

Date: 18/03/2022
Scale: 1:2,500



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MAIN CASE

Reference No: 21/01694/FUL

Proposal: Erection of a new commercial building comprising Use Class E (Office, Research and Development, and Health Services) with ancillary plant, external lighting, car parking, cycle parking and associated infrastructure

Site Address: Land West Of 115 Lancaster Way Business Park Ely
Cambridgeshire

Applicant: Grovemere Property Limited

Case Officer: Toni Hylton Senior Planning Officer

Parish: Ely

Ward: Ely West

Ward Councillor/s: Sue Austen
Paola Trimarco
Christine Whelan

Date Received: 25 November 2021

Expiry Date:
01 May 2022

Report Number W171

1.0 **RECOMMENDATION**

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

1. Enhance is fundamentally a 'dentist' which is considered to be a town centre use. The proposal to locate onto Lancaster Way Business Park, which is allocated and restricted to E(g), B2 and B8 uses. The proposed use E(e) would be contrary to policies COM1, COM3 and EMP1 of the East Cambridgeshire District Council Local Plan 2015 as it would not be located within a town centre location, causing harm to the vitality of Ely city centre.
2. A dental practice in accordance with policy COM8 should provide up to 5 car parking spaces and 2 cycle spaces per consulting room. The proposal provides 17 car parking spaces and 10 cycle spaces. The proposal will result in a significant shortfall of 33 car parking spaces and 10 cycle spaces which has not been justified. On this basis the proposal is considered to be contrary to policy COM8 of the East Cambridgeshire District Council Local Plan 2015 as it fails to provide sufficient parking.

2.0 SUMMARY OF APPLICATION

- 2.1 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.
- 2.2 The application proposes the erection of a 2 storey building approximately 8.3 metres to ridge height (27 feet) with a width of 31 metres (102 feet) and 10 metres in depth (33 feet). The building would be steel clad, with aluminium roof, doors and windows, the porch would have a green roof system as would the bin and cycle store.
- 2.3 The site would provide 17 parking spaces, 6 of which are shown to be tandem spaces and 1 allocated as a disabled parking space. The proposal is supported by a landscaping plan and proposal for an ecological enhancement area to the north of the site.
- 2.4 The application was supported by a Sequential Test and update; Preliminary Ecological Assessment (PEA); Supporting Statement; Design and Access Statement and how surface and foul water would be managed on the site.
- 2.5 The building is proposed to be used by 'Enhance' who are predominantly dentists, although are specialists in orthodontics; endodontics; periodontics; dental implants; mouth rehabilitation and facial rejuvenation. The enterprise supports both the NHS and private sector covering mainly north Cambridgeshire. The new location would provide employment for an additional 7 staff, including clinicians and support team.
- 2.6 The building comprises of 5 dental rooms; with another 5 rooms of similar size and shape being unknown uses; 2 waiting areas; reception; 2 meeting rooms; 1 training room; storage rooms; kitchen; toilets and changing rooms.
- 2.7 The application is being presented to planning committee at the request of Cllr Sue Austen, who considered for transparency should be discussed.

3.0 PLANNING HISTORY

94/00559/O	B1, B2 and B8 development	Approved	08.09.1994
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Adjoining sites

16/01002/FUL	New Build extension to existing building to form additional B1 Office and B2/B8 accommodation with new and revised external yard, car parking provision and canopy over loading area	Approved	13.01.2017
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4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located within the Lancaster Way Business Park within the parish of Ely. The site is to the north of Grovemere Properties and is grassed and gravelled. To the north of the site lies the A142, with Lancaster Way Business Park to the remaining boundaries.

5.0 RESPONSES FROM CONSULTEES

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

City of Ely Council - 14 December 2021

States "The City of Ely Council has no concerns with regards to this application." These comments were reiterated on 22nd March 2022.

Ward Councillors – Cllr Sue Austen – 19th March 2022

States "I wish to call this in to Committee for transparency."

Cadent Gas Ltd - 23 December 2021

"We have no objection to your proposal from a planning perspective."

Anglian Water Services Ltd - 11 December 2021

No objection subject to conditions.

Environmental Health – (Scientific Officer) 20 December 2021

States "As this site was previously MoD land I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission."

Environmental Health - 3 December 2021

States "I would advise that construction times and deliveries during the construction phase are restricted to the following:

07:30 - 18:00 each day Monday - Friday

07:30 - 13:00 on Saturdays and

None on Sundays or Bank Holidays

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

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

Section 19 of The Application Form seems to suggest that the site is seeking 24 hour use. If this is in line with the rest of the businesses on the Park then I wouldn't wish to raise any objections but if not I would be uncomfortable setting such a precedent here.

I cannot see any detail included regarding the external lighting. There appears to be a residential dwelling approximately 90 metres to the north of the proposed site which may be impacted by the external lighting and so I recommend a condition which stipulates that there is no external lighting without prior approval from the LPA.

I cannot see any detail on the Portal concerning the ancillary plant apart from the fact that it will be located to the west of the proposed site. I would recommend the following condition in order to protect the amenity of nearby properties -

"The specific rated noise level emitted from the site shall not exceed the existing background noise level by more than 5 dB. The free field sound level shall be measured and/or calculated at the boundary of the nearest noise sensitive property. The noise level shall be measured and/or calculated in accordance with BS 4142:2014+A1:2019.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009."

Cambs Wildlife Trust - 10 January 2022

States "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 no specific comments to make regarding ecological impacts of the above application. The Preliminary Ecological Appraisal has identified no significant constraints to development, and has made suitable mitigation and enhancement recommendations.

The ecological enhancements are to be welcomed as, if implemented well, represent an opportunity for the delivery of a range of new habitats for wildlife. I particularly welcome the inclusion of an intensive green roof, which will be of much more value than an extensive sedum roof. If the application goes forward, I would be interested to see what is designed in this regard.

I would comment in terms of the proposed enhanced grassland, that some ground preparation will be needed prior to sowing the seeds. The existing grass should be mown very short and then scarified to create areas of bare ground. Any weed species noted at this time should be hand pulled. The process can then follow that set out in the report. It is important that the removal of arisings does take place each year on an ongoing basis, as to not do so will result in a smothering of the sward, which inhibits the growth of finer grass species and forbs. What would likely

then develop will be a species-poor grassland of courser plant species. Cuttings could be piled on site in a corner so as to reduce costs associated with having to remove them from site each time.

Should permission be granted, the ecological enhancements should be required to be implemented by way of a suitably worded planning condition(s). I would recommend that a requirement to produce a Biodiversity Management Plan (or similarly titled document) be included in the planning condition. This Plan should include details of a) mitigation measures to avoid impacts on wildlife during construction and b) details of how new habitats will be created, the timetable for this work, who will be responsible for each element, and how the habitats will be managed long-term to retain their value to wildlife."

Cambridgeshire Fire And Rescue Service - 2 December 2021

States "With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition."

ECDC Trees Team - 26 January 2022

States "No tree related objections. The soft landscaping scheme is suitable for the site and locality with an appropriate mix of native and ornamental species and the long term landscape management plan is suitable so as to enable the long term retention of the scheme."

Economic Development - 9 March 2022

States "We are always interested to facilitate ways that businesses can thrive and develop within the District. This application, to build a new out of town facility, to expand the practice, create additional skilled employment and open new opportunities for both its business and clients seems innovative. However this has to be balanced with compliance to planning policy, within the context of the Lancaster Way Business Park and its permitted development uses. I understand that you are continuing to review.

From an Economic Development view point we would also be concerned with three related matters.

Firstly, the relocation to out of town, will remove this important healthcare facility from the City and access by its local community. This is a socio-economic factor that should be considered.

Secondly, the reduced footfall associated with loss of visitors to the current dental practice, when it relocates, should be considered within the City's wider economic development.

Thirdly, we would suggest that any additional 'non business' traffic, on the business park, is considered in context of the parks wider growth ambitions and potential impact on commercial traffic or commuter's in the future."

Waste Strategy (ECDC) - No Comments Received

NHS England - No Comments Received

Lead Local Flood Authority - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

Consultee For Other Wards In Parish - No Comments Received

5.2 A site notice was displayed near the site on 16th December 2021.

5.3 Neighbours – 8 neighbouring properties were notified, however no responses have been received.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 1	Location of retail and town centre uses
COM 2	Retail uses in town centres
COM 3	Retaining community facilities
COM 7	Transport impact
COM 8	Parking provision
EMP 1	Retention of existing employment sites and allocations

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2021

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

- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

7.0 PLANNING COMMENTS

7.1 Principle of Development

7.1.1 The site is within the Lancaster Way Business Park, which when it was originally granted planning permission in 1994 restricted the use of the park to B1, B2 and B8. In 2020 the Government amended the Use Classes Order and former B1 uses were amalgamated into what's now known as Class E, and B1 is now referred as E(g). The condition applied to the 1994 planning permission stated that the use of Lancaster Way shall be restricted to B1, B2 and B8 uses, therefore following the amendment to the Use Classes Order this should now read class E(g), B2 and B8 only. The proposal is for a use now known as E(e) which refers to health clinics and dentists.

7.1.2 Policy COM1 of the East Cambridgeshire District Council Local Plan 2015 states that town centre uses (such as dentists) will only be acceptable outside of town centres in exceptional circumstances as outlined below:

- *The applicant has under took a Sequential Test*

The applicant has submitted a Sequential Test, which at the request of the case officer was asked to be updated, as it was very limited in its geographical area. The conclusion of the report was that there were no available properties that suited the needs of the applicant currently. Most were dismissed because they were too small; too big or too far from the centre of Ely, a site on Merlin Way (part of Lancaster Way) was dismissed for being too far from the centre of Ely. On this basis the site being proposed met all of the clients requirements apart from it not being the required use, although its location was 1.49 miles from the existing Enhance building and the client had limited this to 1.5 miles. However no justification was given for the 1.5 mile radius.

- *Site is suitable for the proposed use*

The site is not considered suitable for its proposed use. The site should be E(g), B2 or B8 uses and the proposed use is for a dental surgery (including facial rejuvenation) which is class E(e). On this basis the site is not suitable for this use. The agent suggested that another building within Lancaster Way could be purchased and without planning permission be changed to a dental practice. However, it should be noted that there are restrictions on the use on the vast majority of the site and the land subject of planning approval 94/00559/O either by way of condition as with this application or by the allocation ELY 11.

- *Relates to the function of its locality*

Lancaster Way is a 'Business Park' and uses pertaining to those uses should be located here. A dental practice does not relate to the function of a business park.

- *No impact on the vitality of the Town centre*

The agent considers that whilst this is a town centre use, the location of the existing premises is not within the defined local plan boundary. Whilst it is accepted the current use located on St Marys Street and not within the defined town centre as per the East Cambridgeshire District Council Local Plan 2015, it is still in location close to the town centre. Opposite Enhance is a Vets, St Marys Doctors Surgery, 2 buildings up from Enhance is a convenience store, with intermittent town centre uses into where the defined town centre boundary is. It should also be noted that in obtaining funding for the city centre WIFI and signage, the defined boundary was at the bus stop opposite, close to Oliver Cromwell House. It is considered the loss from a town centre location, would be detrimental to the vitality of the town centre of Ely and this is supported by the Council's own Economic Development Officer, as quoted below:

"Firstly, the relocation to out of town, will remove this important healthcare facility from the City and access by its local community. This is a socio-economic factor that should be considered.

Secondly, the reduced footfall associated with loss of visitors to the current dental practice, when it relocates, should be considered within the City's wider economic development.

Thirdly, we would suggest that any additional 'non business' traffic, on the business park, is considered in context of the parks wider growth ambitions and potential impact on commercial traffic or commuter's in the future."

- *It would enhance the character of its locality*

The locality is a business park and whilst the design of the building is not dissimilar to the adjoining offices of Grovemere, the use is not a function of a business park.

- *Accessible by different means of transport*

Lancaster Way has 1 bus stop within 1 minute of the site, the second is 10 minutes walk from the site. The train station is approximately 3.2 miles away, and therefore not a viable option for walking to and from. In terms of bus services there are 11 services into Ely a day, served by the No. 39 and Ely Zipper, below is a list of the times Lancaster Way is served by a bus.

Ely Zipper					No. 39 (Ely to Westry)						
7.30	8.30	9.30	10.35	12.30	To Ely	9.30	12.00	14.00	15.35	18.15	19.15
					From Ely	07.53	10.03	11.58	14.28	16.33	18.08
						19.38					

From the bus times provided, whilst they serve the business park and the hours worked by the businesses on the park, it would not serve patients. For example you have an appointment at 15.30, whilst you can get the appointment with an hour to

spare the next bus back is not until 18.15. On this basis whilst the bus service meets the need of those working on the business park it would not meet the needs of patients relying on a bus service to access the services.

7.1.3 Policy COM3 of the East Cambridgeshire District Council Local Plan 2015 states that the loss of a commercial facility such as a dentist should be resisted unless:

- *No longer financially viable*

Enhance have not provided any form of accounts and this would not be required in this circumstance. However, they wish to expand their current business and the site they currently occupies does not offer them the ability to do so.

- *It will result in a better replacement*

There are no known replacement uses for the existing site. The site proposed is currently an open piece of land, giving space and views into and out of the business park. This proposal would result in a 2 storey building being in its place. Whilst the building is, in design terms acceptable what it is being proposed to be used for is not appropriate for a business park use.

- *It is a better alternative use*

The proposed use is not appropriate on a business park setting.

7.1.4 Policy EMP1 of the East Cambridgeshire District Council Local Plan 2015 states that B1 (now E(g), B2 and B8 uses should be retained unless:

- *The site is no longer required for 100% employment uses*

Lancaster Way is still required for business uses.

- *It would lead to environmental and community benefits.*

The proposal has been supported by a comprehensive PEA and as such in consultation with the Cambridgeshire Wildlife Trust, the information was found to be acceptable and the mitigation measures proposed would enhance the ecological value of this particular site.

In terms of community benefits, whilst it might provide an improved building to provide dental services, the logistics of accessing the site are highly dependant on the motor car.

7.1.5 Paragraph 87 of the NPPF states that *“The Local Planning Authority should apply a Sequential Test for main town centres uses which are neither an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in the town centres; then in edge of centre location and only when suitable sites are not available (or expected to become available within a reasonable period) should out of town centre sites be considered”*

7.1.6 The applicant has provided a ‘Sequential Test’ and was updated to go further afield at the request of the case officer. In the Sequential Test it states that Enhance have been searching for premises for in excess of 4 years, however only the most recent search has been provided. The Local Planning Authority are aware of other properties that have become available over the last 4 years which may have suited

their needs and that are located in the town centre or on the edge of it. Whilst there has been an attempt at a Sequential Test it is not conclusive that there are no other sites available, nor is it comprehensive enough to have confidence in the report submitted.

- 7.1.7 In assessing these policies COM1, COM3, EMP1 and the NPPF there are fundamental flaws in the proposal. Whilst, a Sequential Test has been submitted, the proposal fails to meet other requirements within the policies. There is no consideration for the level of harm that may be incurred by the town centre in the relocation of this town centre use. This is an important part of whether a use like this should be considered in a non-town centre location.
- 7.1.8 The proposal is likely to increase the reliance upon the private motor car due to the times of the bus network as there is limited public transport, designed for 9 to 5 working patterns and is not served by a train station. This is detrimental to the patients as this limits their ability to access services and affects the vitality of the town centre, by decreasing the footfall.
- 7.1.9 The business park is for employment uses and as such a medical facility predominantly dental with some facial rejuvenation is not in keeping with the use of the business park. The business park was approved primarily for B1 (now E(g)) B2 and B8 uses and a E(e) use does not meet those requirements.
- 7.1.10 The proposal also required the case officer to seek further information, as 5 rooms are not labelled for a particular use. It was considered that these may be for research and development uses and this would be the main use of the site. However, in discussion with the agent it became clear that the main use is for the dental practice. On this basis the proposal is considered to be contrary to policies COM1, COM3 and EMP1 of the East Cambridgeshire District Council Local Plan 2015.
- 7.2 Visual Amenity
 - 7.2.1 The proposed building is of a modern design and is similar to its neighbour Grovemere offices. The proposed building will be closer to the Witchford Road and will be visible from the A142 and Witchford Road. Whilst the site will be visible it is not considered to cause harm to the visual character of the area.
 - 7.2.2 The proposed building is in keeping with its surroundings by way of using similar materials and design. It is only 2 storeys in height approximately 8.3 metres (27 feet) which is not excessive and in keeping with the scale of its surrounding buildings. It is considered that the proposal maintains the visual character of the area in accordance with policies ENV1 and ENV2 of the East Cambridgeshire District Council Local Plan 2015.
- 7.3 Highways
 - 7.3.1 Policy COM7 requires that any proposal should ensure safe vehicular access. The site is access from a private road and not within the Cambridgeshire County Council sphere of influence. There are no concerns from a highway safety perspective, although the provision of a turning head would assist in manoeuvrability at the site.

- 7.3.2 Policy COM8 of the East Cambridgeshire District Council Local Plan 2015 requires that there is adequate parking for new uses and for a dental practice it is up to 5 parking spaces per consulting room and 2 spaces per consulting rooms. On this basis using the stated 5 consulting rooms, up to 25 parking spaces and 10 cycle spaces would be required. However if there are 10 consulting rooms (as this is not being made clear by the agent) not forgetting the training suite there would need to be up to 50 car parking spaces and 20 cycle spaces.
- 7.3.3 The proposal provides 17 car parking spaces and 10 cycle spaces. Whilst the policy does state it is “up to 5 spaces per consulting room” it is stated on the application form that there will be 35 employees, there are already 19 employees. The Design and Access Statement considers that there is adequate public transport to serve the site. However, paragraph 7.1.3 clearly considers that there is a poor public transport options available and would lead to a reliance on the private motor car. As such it is considered that the proposal does not provide adequate car parking spaces for the use proposed.
- 7.3.4 The existing use on St Marys Street does not provide any off street car parking for their 19 members of staff. However, there are public car parks within walking distance of the use as well as good access to public transport. The site is within walking distance of the train station and the bus hub on Market Street.
- 7.3.5 It is considered that whilst highway safety standards can be achieved there is a lack of parking, given its out of Ely location which could prove detrimental to the business park. On this basis the proposal is considered contrary to policy COM8 of the East Cambridgeshire District Council Local Plan 2015.
- 7.4 Ecology and Trees
- 7.4.1 The application has provided a PEA which includes mitigation and a proposal for an ecological enhanced area to the north of the site. In consultation with the Cambridgeshire Wildlife Trust, no objections have been raised to the proposals. The site did not identify any ecological constraints, but comments provided give some advice to ensure what is proposed can be managed in the future by way of a Biodiversity Management Plan. The proposal is considered to comply with policy ENV7 of the East Cambridgeshire District Council Local Plan 2015.
- 7.4.2 In consultation with the Council’s Tree Officer, the proposal for the landscaping scheme has been considered acceptable. The mix of native and ornamental planting is a good mix of flora and in keeping with the character of the business park. On this basis the proposal is considered to be in accordance with policy ENV1 of the East Cambridgeshire District Council Local Plan 2015.
- 7.5 Flood Risk and Drainage
- 7.5.1 The site is within Flood Zone 1 and is a location suitable for this use. The proposal includes details of surface and foul water. Foul water will connect to existing main foul sewer. With regard to surface water this will go into a proposed surface water drainage. It is considered that these details are in accordance with policy ENV8 of the East Cambridgeshire District Council Local Plan 2015.

7.6 Residential amenity

- 7.6.1 To the north of the site is a residential dwelling “Alderforth Farm” which is approximately 90 metres (295 feet) away from the proposed site. In consultation with the Environmental Health Officer there were no concerns raised, however restrictions for lighting and noise levels would need to be conditioned, as well as details in the event of piling foundations would be required. On balance the proposal is considered by way of conditions to maintain the amenities of the neighbours by way of not overlooking; overshadowing; loss of light or noise.

7.7 Other Material Matters

- 7.7.1 The site was part of the MOD land and as such will be required to have a condition ensuring that during construction, should any contamination be found, works cease and the Local Planning Authority are contacted to review. The proposal can comply with policy ENV9 by way of attaching a suitable condition.
- 7.7.2 The proposal which is less than 1,000 square metres (10763.9 square feet) can ensure sustainable construction methods and materials. A condition can be applied to ensure that energy and sustainability are considered in the final construction of the building. The proposal is considered to comply with policy ENV4 of the East Cambridgeshire District Council Local Plan 2015.

7.8 Planning Balance

- 7.8.1 The proposal is considered to cause harm to the vitality of the town centre, by moving away from its current location. The proposal is for a town centre use and to be located on a business park with limited public transport will be detrimental not only to the footfall with Ely centre but also require the greater use of the private motor car. Ultimately, a dental practice which is what this is, is not suitable on a business park. The proposal is in direct conflict with policies COM1, COM3 and EMP1 of the East Cambridgeshire District Council Local Plan 2015 and as such is recommended for refusal.
- 7.8.2 Policy COM8 states “up to” in its requirement for parking but the proposal as submitted is 33 car parking spaces short, and 10 cycle spaces short with a lack of justification. It is considered that whilst the current use in St Marys Street has no parking any new provision in a less sustainable location should meet the requirements of the policy. On this basis the proposal is contrary to policy COM8 of the East Cambridgeshire District Council Local Plan 2015.
- 7.8.3 Whilst the proposal can provide ecological enhancements; high quality planting and good design the proposal fails to consider its town centre use and lack of car parking. On this basis the application is recommended for refusal.

8.0 APPENDICES

None.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/01694/FUL	Toni Hylton Room No. 011 The Grange Ely	Toni Hylton Senior Planning Officer 01353 616499 toni.hylton@eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

22/00037/FUL

Land West Of Saunders Piece

Ely Road

Little Thetford

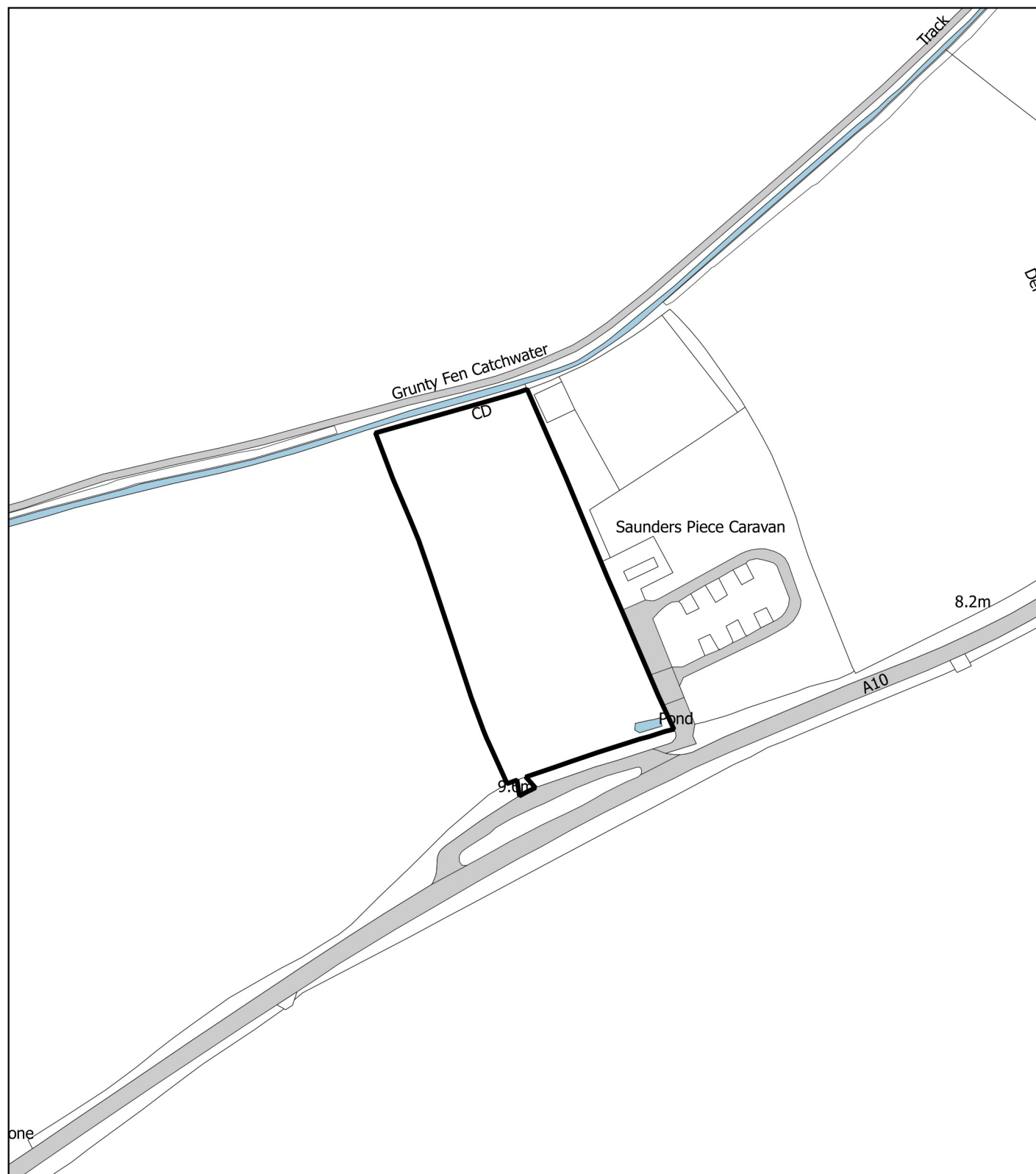
Cambridgeshire

Change of use to a mix of Gypsy and Traveller residential use, with construction of three residential pitches for equestrian use, and three stable blocks

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=R5LR6DGGJYI00>





22/00037/FUL

Land West Of Saunders Piece
Ely Road
Little Thetford



East Cambridgeshire
District Council

Date: 18/03/2022
Scale: 1:2,500



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MAIN CASE

Reference No: 22/00037/FUL

Proposal: Change of use to a mix of Gypsy and Traveller residential use, with construction of three residential pitches for equestrian use, and three stable blocks

Site Address: Land West Of Saunders Piece Ely Road Little Thetford
Cambridgeshire

Applicant: Mr Mark Sykes

Case Officer: Toni Hylton Senior Planning Officer

Parish: Wilburton

Ward: Stretham

Ward Councillor/s: Bill Hunt
Lisa Stubbs

Date Received: 19 January 2022

Expiry Date:
8th April 2022

Report Number W172

1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVAL subject to the recommended conditions below, the conditions can be read in full on the attached appendix 1.

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Restrict the number of pitches
- 4 Restrict the occupation
- 5 Restrict lights
- 6 No removal of planting
- 7 Foul and surface water details
- 8 Access drainage
- 9 Restrict touring caravans
- 10 Solar panels
- 11 Biodiversity Improvements
- 12 Removal of fence
- 13 Gates
- 14 Vehicular access
- 15 Landscaping
- 16 Boundary treatments
- 17 Disposal of waste from stables

- 18 Contamination
- 19 Fire Hydrant
- 20 Details of materials

2.0 SUMMARY OF APPLICATION

- 2.1 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.
- 2.2 The proposal is for the change of use of land to a mix of Gypsy and Traveller residential and equestrian, with the siting of 3 pitches to provide 2 mobile homes, 2 touring caravans and day room per pitch. Each pitch would also have an allocated 2 paddocks and a set of stables with tack room. The proposal includes a new access, located off a lay-by on the A10.
- 2.3 The proposal did show the 2 metre high fence located adjacent to the highway. This fence requires planning permission and is subject of an Enforcement investigation. However, in discussions with the agent this fence is to be removed with an alternative style of fencing to be agreed.
- 2.4 The application has been called in to planning committee at the request of Cllr Bill Hunt for the reasons copied. "I of course keep an open mind on this application and will do until I have been made aware of all the facts and the committee reaches the "Debate" stage. I have taken note of the views of both Stretham and Little Thetford Parish Councils who both have concerns/objections to this application. I request that you consider this email as a "Call In" to committee which will allow a proper public discussion and transparency of the whole issue."

3.0 PLANNING HISTORY

- 3.1

19/01373/FUL	Change of use of land to a mix of Gypsy and Traveller residential and equestrian with the siting of up to six caravans of which no more than two can be mobile homes and the erection of an amenity building and stable block	Approved	13.01.2020
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4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises a field of scrub land, accessed off a lay-by on the A10 between Stretham and Little Thetford. The ground level of the site drops

significantly from the level of the adjacent highway and lay-by and is bounded along the boundary of the lay-by by a fence and gate. There are number of insignificant trees on, and adjacent to, the site. There is currently a derelict caravan situated on the site. The site is located within Flood Zone 1. Saunders Piece Camping and Touring Caravan site is located adjacent to the east of the application site, which is also accessed off the same lay-by on the A10.

5.0 RESPONSES FROM CONSULTEES

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

Little Thetford Parish - 10 March 2022

States "Firstly Little Thetford Parish Council would like to support Stretham's comments but have the a few more to add

1. The planning application is contrary to local planning policy as it lies outside the planning development envelopment as per the 2015 local plan. The application is also NOT in line with policy GROWTH 2 stated on the Local Plan.
2. The provision of Disabled persons access has not been considered in the application for this site.
3. Traffic has not been addressed in the application by continuous increased traffic movements getting out onto the main road, influencing the noise and air pollution and parking availability in the layby. Safe access and safety for services accessing the site is also an issue.
4. Due to the nature of the slope on the development the drainage will naturally run into the catchwater. This could cause contamination and a stagnant smell, this in turn would effect the volume being drained into the catchwater running into the village which will have an impact on the flooding (See LT flood report 2020/2021) and as mentioned they have no application included to get permission from the board for this.
5. The Parish Council are not convinced the applicants have looked into adequate arrangements to remove horse manure.
6. **Policy HOU9- Not compliant with the existing identified sites already available in East Cambs.
7. Environmental health- The bylaw states in respect of catchwaters restrict of place or structure erection has to be 9m plus- This will need to be confirmed.

With the amount of very important objections for this planning application LT voted unanimously for this application to be 'called in'

Stretham Parish Council – 3 March 2022

States "Object: The proposal is outside the development boundary. The site is unsuitable do contamination by radon gas. Unsustainable, no amenities or footpaths."

Stretham Parish Council - 14 February 2022

"The development is outside of the planning development envelope
The site has radon gas, It is an unsustainable development - there are no amenities, no footpath."

Ward Councillor Bill Hunt - 10 March 2022

"I of course keep an open mind on this application and will do until I have been made aware of all the facts and the committee reaches the "Debate" stage..

I have taken note of the views of both Stretham and Little Thetford Parish Councils who both have concerns/objections to this application. I request that you consider this email as a "Call In" to committee which will allow a proper public discussion and transparency of the whole issue.

Environmental Health - 25 January 2022

States "I would advise that construction times and deliveries during the construction phase are restricted to the following:

07:30 - 18:00 each day Monday - Friday

07:30 - 13:00 on Saturdays and

None on Sundays or Bank Holidays

Finally, I would advise that stable waste should not be burnt on site and either removed for disposal or a muck pile used - location to be agreed (i.e. sufficient distances from neighbouring properties) and food stuff to be kept in pest proof containers. It would also be advisable to ensure that regular pest control takes place.

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

Traveller Liaison Officer - 2 March 2022

States "I can confirm we currently have 7 applications on our waiting list and a further 3 applications recently sent out.

On the two sites we manage in Earith and Wentworth we also have multiple generations of families all living on one plot as there are no other options for older children to move to affordable sites and remain close to their families.

I would consider there to be a need for the G&T community now and in the near future.

Please let me know if you need any further information."

Local Highways Authority - 8 February 2022

States "Subject to the following comments and recommendations:

I have no objection to this application. The access as shown on the drawing MS05 appears to be suitable for the proposed use and the impact on the public highway would be no different from that on the prior permission 19/01373/FUL."

The Ely Group Of Internal Drainage Board - 26 January 2022

States "The site is adjacent to the Boards Wilburton Catchwater Drain. Under the Boards Byelaws, no works can take place or structures within nine metres of the Catchwater without the prior consent of the Board.

The application proposes that surface and foul water will discharge into the Catchwater. This system has no residual capacity to accept flows over the Boards

greenfield run-off rate of 1.1 litres/sec/ha. Discharges into the Boards District also require consent from the Board which is separate to the planning process. Our records show that no such applications have been received for this site. Therefore the Board would wish to see a condition put in place relating to water disposal if this application is granted”

Environmental Health Scientific Officer - 9 February 2022

States “Thank you for consulting me on the above application. As stated in Section 6 of the application form, where land contamination is known or suspected, or the proposed use would be particularly vulnerable to the presence of contamination (e.g. residential), an appropriate contamination assessment will be required with the application. The applicant will need to supply an appropriate contamination assessment with the application.”

ECDC Trees Team - No Comments Received

Cambridgeshire Fire And Rescue Service - No Comments Received

Waste Strategy (ECDC) - No Comments Received

5.2 A site notice was displayed near the site on 8th February 2022 and a press advert was published in the Cambridge Evening News on 3 February 2022.

5.3 Neighbours – 3 neighbouring properties were notified; however, no responses have been received.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 6	Renewable energy development
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
EMP 5	Equine development
HOU 9	Gypsies, Travellers and Travelling Showpeople sites

6.2 Supplementary Planning Documents

Design Guide

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

Flood and Water
Climate Change
Natural Environment

6.3 National Planning Policy Framework 2021

Planning policy for traveller sites, August 2015

- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

7.0 PLANNING COMMENTS

7.1 Principle of Development

- 7.1.1 The Central Government Planning policy for traveller sites (August 2015) requires Local Planning Authorities to provide sites that are both sustainable and facilitate the traditional and nomadic life of travellers, while respecting the interests of the nearest settled community. It states the definition of gypsies and travellers is: "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such".
- 7.1.2 Government guidance Planning policy for traveller sites states: "When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise."
- 7.1.3 It goes on to state that: "Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:
- a) the existing level of local provision and need for sites
 - b) the availability (or lack) of alternative accommodation for the applicants
 - c) other personal circumstances of the applicant
 - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.
 - e) That they should determine applications for sites from any travellers and not just those with local connections"

- 7.1.4 The outside of the village framework location of the site is not considered to have any significant weight in the determination of this application, as being the countryside does not mean the application for traveller sites should be refused in principle, as this is given as an exception in policy GROWTH 2 of the East Cambridgeshire District Council Local Plan 2015.
- 7.1.5 Policy HOU 9 of the East Cambridgeshire Local Plan 2015 states that the Council will make provision for Gypsy, Traveller and Travelling Showpeople sites to meet identified needs. East Cambridgeshire's need for Gypsy, Traveller and Travelling Showpeople accommodation is informed by The Gypsy and Traveller Accommodation Assessment (October 2016).
- 7.1.6 The very low known need of additional traveller pitches means that 'need' is granted very little weight in the determination of this application. However, it can be assumed there is likely to be 'unknown need' for Gypsy and Traveller pitches and this should be afforded weight in the determination of this application, especially in the context of the very limited number of allocated sites. In consultation with the Gypsy and Traveller Liaison Officer it was considered that there is a need for Gypsy and Traveller pitches in the district and adds weight to this unknown need of the community.
- 7.1.7 It should also be noted that planning permission was granted for a Gypsy and Traveller pitch in January 2020, which covered the whole of the site, but was for 1 family. (application 19/01373/FUL)

Traveller status

- 7.1.8 The proposal would provide pitches for the applicant Mr Sykes: Mr Pilkington and and Mr Jefford and their families. A Supporting Statement has been provided with the application. It is accepted from this that all of adult travellers in this application conform to a nomadic lifestyle and satisfy the planning definition of a traveller in the Government guidance 'Planning Policy for Traveller Sites' (PPTS). Furthermore, from the information provided in the application submission, there is no reason to expect that those interested in the site do not meet the gypsy traveller definition.
- 7.1.9 Policy HOU9 of the East Cambridgeshire Local Plan 2015, states that proposals for Gypsy, Traveller and Travelling Showpeople accommodation should meet the following criteria:
- Adequate schools, shops and other community facilities are within reasonable travelling distance.
 - There is no significant adverse impact on the character and appearance of the countryside and the setting of settlements.
 - The site would not lead to the loss or adverse impact on historic and natural environment assets as defined in Policies ENV7 and ENV11-15.
 - There is no significant risk of land contamination.

- There is no unacceptable risk of flooding.
- The scale of the proposal is not disproportionate to the size of the nearest settlement and the availability of community facilities and infrastructure.
- The site provides a suitable level of residential amenity for the proposed residents and there is no significant adverse impact on the amenity of nearby residents.
- Safe and convenient vehicular access to the local highway network can be provided together with adequate space to allow for the movement and parking of vehicles.
- Essential services (water, electricity and foul drainage) are available on site or can be made available.

- 7.1.10 All of these criteria would need to be met in order for a proposal to be supported. Assessment of the application against the criteria of this policy are covered later in this report.
- 7.1.11 The site would be accessed via a lay-by located off the A10 between Stretham and Little Thetford. While the site is within the parish of Stretham, the services/facilities to easily access are likely to be those such as Stretham or within larger settlements such as Ely or Witchford. However, due to the location of the application site these are likely to be accessed by vehicle travel only.
- 7.1.12 The Local Highway Authority has commented that the application site can only be accessed by motorised vehicles, there is no footways, cycleways, accessible bus routes / stops and it is located off a 60mph un-illuminated road.
- 7.1.13 The lack of a public footpath along the road creates a situation where, if approved, the residents would very likely be reliant on private motorised transport. There is concern that occupiers will be unable to access local services and facilities in a sustainable easy manner and it is considered that there would be some harm to sustainability if the application is to be approved. However, in relation to the location of Gypsy, Traveller and Travelling Showpeople accommodation, policy HOU9 of the Local Plan requires that adequate schools, shops and other community facilities are within reasonable travelling distance. The proposal by virtue of the distance (Stretham approximately 1km away, Little Thetford 1.2km, Wilburton 2.5km and Ely 4km away) to the local services and facilities is considered to be within reasonable travelling distance and similar to that of many other Gypsy, Traveller and Travelling Showpeople accommodation within the district.
- 7.1.14 It is unlikely that the provision of 3 pitches comprising up to 6 mobile homes; 6 caravans; 3 day rooms; and stables would unbalance the settled community within the local area.
- 7.2 Residential Amenity
- 7.2.1 There are no nearby adjoining neighbours, although there is a caravan park to the east of the site. However, the caravan park is for tourists and not for any other

purpose. It is considered the siting of 3 pitches in this location would not harm any existing amenities by way of overlooking; being overbearing or loss of light.

- 7.2.2 Each pitch provides adequate space for each family including parking areas and amenity space. Each pitch is separated by a grassed area with the day room acting as the boundary. It is considered that each of the pitches will have adequate amenity space and privacy in accordance with policy ENV2 of the East Cambridgeshire District Council Local Plan 2015.

7.3 Visual Amenity

- 7.3.1 The site is in the rural area and adjacent to an existing caravan park for tourists, which has a close boarded fence to the boundary. There are currently building materials on the site which in the event of planning permission being approved would be removed. It is considered that the detailed landscaping scheme will assist in assimilating the development into its surroundings. It is considered that the proposal will in time assimilate into the surroundings in accordance with policy ENV1 of the East Cambridgeshire District Council Local Plan 2015.

- 7.3.2 The site does not extend any further into the countryside than the adjoining tourist caravan park. The site itself is no bigger than what was approved for the 1 pitch, the only change is the number of pitches and number of stables. It is considered that the increase in built form will not cause any additional harm to the visual amenity than what has already been approved. On this basis the proposal is considered to comply with policy ENV1 of the East Cambridgeshire District Council Local Plan 2015.

- 7.3.3 Whilst it does not form part of this application, there is a fence that has been erected and subject of an enforcement case. In discussions with the agent, it has been agreed that this fence will be removed and alternative will be provided. A plan has been submitted to show a 1.8 metre (6 feet) black mesh fence with planting. Conditions can be attached to secure the removal of the fence and replacement with landscaping.

7.4 Highways

- 7.4.1 The site is accessed from the lay-by along the A10. The A10 provides access to the A1 and M11. In consultation with the Local Highway Authority no objections to the proposal have been raised. Conditions are required relating to the gates being located in the position shown on the plans so as not obstruct the highway; and to ensure surface water does not drain onto the highway. On this basis the proposal complies with policy COM7 of the East Cambridgeshire District Council Local Plan 2015.

- 7.4.2 Each plot can provide in excess of 2 parking spaces in accordance with policy COM8 of the East Cambridgeshire District Council Local Plan 2015.

7.5 Ecology and Trees

- 7.5.1 The site is currently an agricultural field with planting to the west boundary and a 2 metre close boarded fence to the east boundary. To the north is the Catchwater

Drain and A10 lay-by to the south. The proposal includes a detailed landscaping scheme which provides an additional 309 metres of native hedging; and 27 trees including Poplar; Bird Cherry and Silver Birch. The provision of this planting will be of benefit to the local landscape. A condition securing this planting can be attached by way of condition.

- 7.5.2 The planting will provide a net gain in biodiversity in accordance with policy ENV7 of the East Cambridgeshire District Council Local Plan 2015 and the Natural Environment SPD. However, a scheme to provide bat and or bird boxes but not limited to, should also be provided and this can be achieved by way of condition.

7.6 Flood Risk, drainage and contamination

- 7.6.1 The site is within flood zone 1 where you would expect residential development to be located. In consultation with the Internal Drainage Board (IDB) no objections have been made to the proposal, however consent will be required to discharge in the Catchwater from the IDB. This can be dealt with by way of condition. The proposal is considered comply with policy ENV8 of the East Cambridgeshire District Council Local Plan 2015.

- 7.6.2 The previous permission did not attach conditions relating to contamination investigation, although this had been recommended by the Scientific Officer. Again this has been recommended and as this is a sensitive use and for residential accommodation it would seem appropriate to attach a condition. On this basis the proposal can meet the requirements of policy ENV9 of the East Cambridgeshire District Council Local Plan 2015.

7.7 Climate Change

- 7.7.1 In February 2021 the Council adopted the Climate Change SPD, which requires developments to seek sustainable methods of construction and building. The nature of mobile homes is that they are transferable to other sites when they are no longer required, so can be utilised elsewhere. Due to the nature of these buildings they are less time consuming to build as they are built off site and transported to the site and set down, they are also required to meet specified standards. It is considered that it would be inappropriate to request a sustainability strategy for this development on this basis.

- 7.7.2 The previously approved scheme 19/01373/FUL, allocated an area for solar panels. These have not come forward within the current application, however a condition requiring details of solar panels should be applied should it be decided by the applicants that solar panels could used to provide power to the site.

7.8 Planning Balance

- 7.8.1 The principle of developing the site for a gypsy and traveller family has already been established with the approval of 19/01373/FUL. However, there is an increase in pitches from 1 to 3 and additional stables. However, the amount of development is not considered to be to the detrimental to the character of the area or adjoining amenities. In consultation with the Local Highway Authority no objections have been raised with regard to the access and highway safety. It is considered that the

proposal does accord with the policies within the East Cambridgeshire District Council Local Plan 2015.

8 APPENDICES

Appendix 1 - Recommended conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
22/00037/FUL	Toni Hylton Room No. 011 The Grange	Toni Hylton Senior Planning Officer 01353 616499
19/01373/FUL	Ely	toni.hylton@eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 22/00037/FUL Conditions

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

Plan Reference	Version No	Date Received
MS06	2	22.03.2022
Proposed Brick Location Plan		12.01.2022
MS02	2	22.03.2022
MS05	2	22.03.2022
MS04		12.01.2022
A1/003		12.01.2022
A1/001		12.01.2022
A1/002		12.01.2022

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The development shall not exceed 3 pitches comprising of 2 mobile homes, 2 touring caravans and 1 day room per pitch.
- 3 This is the amount the application has been assessed and determined on in accordance with policy HOU9 of the East Cambridgeshire District Council.
- 4 The site shall only be used by persons of nomadic habitat of life, whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 4 Reason: To meet with Central Governments definition of gypsies and travellers (defined within Planning policy for traveller sites August 2015).
- 5 No external lights shall be erected within the site (either freestanding or building-mounted) other than those approved on Plan MS05.
- 5 Reason: To safeguard the character and appearance of the area and to protect biodiversity, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 6 Any tree or shrub removal shall be undertaken outside of the bird breeding season of 1st March to 31st August in any calendar year. If clearance works must occur within bird breeding season then any vegetation targeted for clearance must first be surveyed by an ornithologist and clearance works would only be permissible if the survey reveals no active bird's nests within the relevant vegetation.

- 6 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 7 The foul and surface water scheme as shown on plan A1/001 A1/002 and A1/003 shall be implemented prior to first occupation of the development hereby approved and thereafter maintained in perpetuity.
- 7 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 8 The access shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway.
- 8 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 No touring caravans, mobile homes or associated amenity buildings shall be sited or erected within the area of paddock land specified on drawing no. MS06
- 9 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 No solar panels shall be situated within the application site until details of the size, type and locations of the solar panels are submitted to, and approved in writing by, the Local Planning Authority. The solar panels shall be implemented as agreed and maintained in perpetuity.
- 10 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 11 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 12 The 2 metre high close boarded fence to the front boundary shall be removed within 3 months of the date of this permission.
- 12 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 The entrance gates to the vehicular access shall be located in the position shown on drawing no. MS05 and shall be hung to open inwards. This style of access gate or gates shall be used at all times/thereafter be retained in perpetuity.

- 13 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to first occupation of the hereby approved development, the vehicular access shall be laid out and constructed in accordance with drawing no. MS05. The vehicular access shall be thereafter retained in accordance with these details in perpetuity.
- 14 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 15 The landscaping scheme shown on MS06 shall be implemented prior to the end of the first planting season following first occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 15 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 16 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the development hereby approved.
- 16 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 17 Prior to first use of the stables hereby approved, the applicant shall submit a scheme of how the waste from the stables and paddocks will be managed. The scheme shall be thereafter adhered to in perpetuity.
- 17 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 18 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any

remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

- 18 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 19 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 19 Reason To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.
- 20 No above ground construction shall take place on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 20 Reason To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

22/00042/FUL

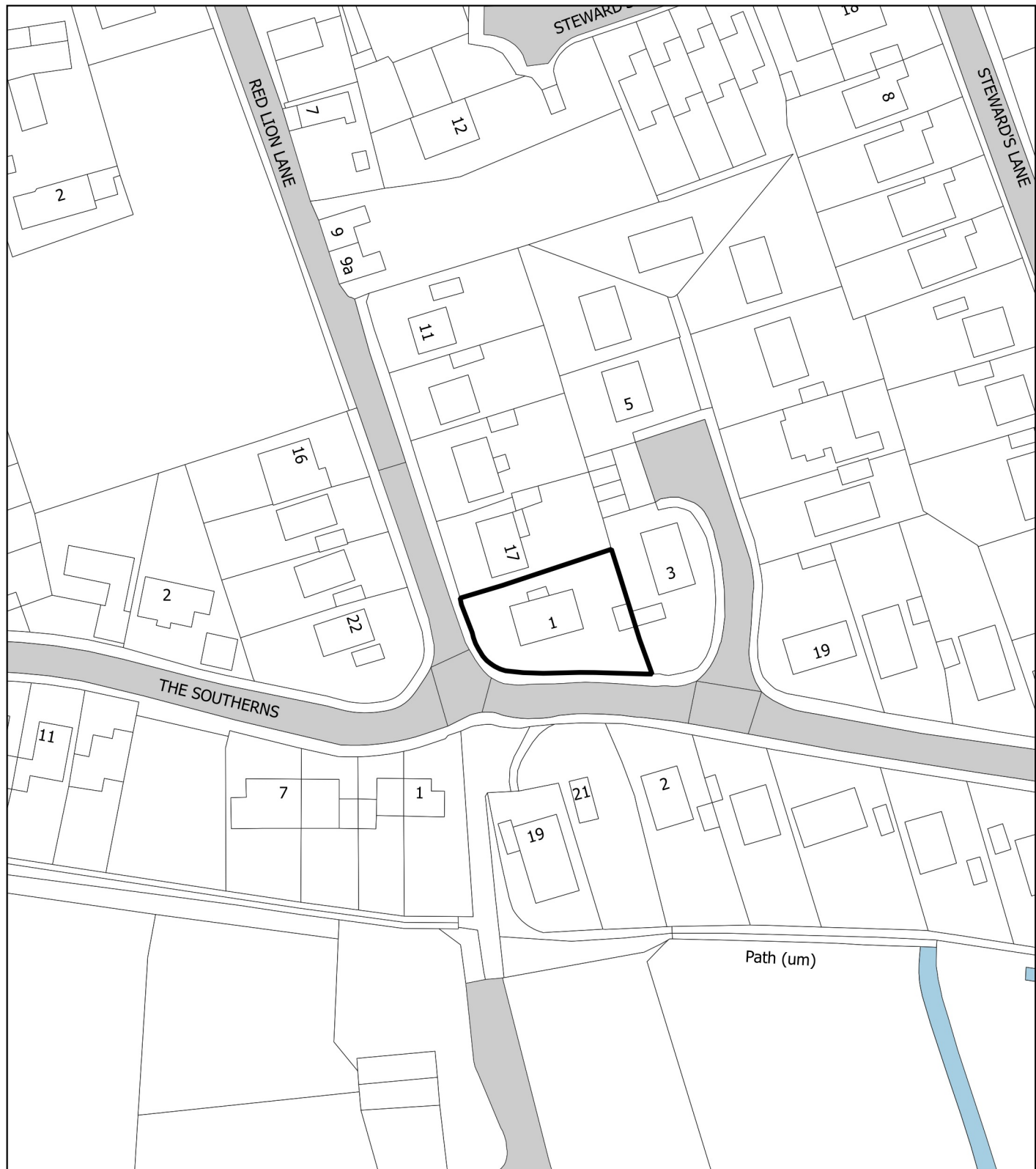
1 Link Lane
Sutton
Ely
Cambridgeshire
CB6 2NF

Conversion of existing garage to annexe accommodation and construction of alterations to the infrastructure

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=R5N8CAGGJZL00>





22/00042/FUL

1 Link Lane
Sutton



East Cambridgeshire
District Council

Date: 18/03/2022
Scale: 1:1,000



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MAIN CASE

Reference No: 22/00042/FUL

Proposal: Conversion of existing garage to annexe accommodation and construction of alterations to the infrastructure

Site Address: 1 Link Lane Sutton Ely Cambridgeshire CB6 2NF

Applicant: Mr T Sparrow

Case Officer: Isabella Taylor Planning Officer

Parish: Sutton

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

Date Received: 13 January 2022 **Expiry Date:** 12th April 2022
Report Number W173

1.0 **RECOMMENDATION**

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

1. The proposed garage conversion to accommodate an annexe with associated alterations falls within the policy defined development envelope of Sutton. 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. The proposal fails to have regard for the scale of the host dwelling and would compete with the host dwelling. Therefore, this fails to comply with policies ENV1, ENV2 of the East Cambridgeshire Local Plan and NP3 of the Sutton Neighbourhood plan due to the excessive scale.

2. The proposed annexe would have an adverse impact on number 3 Link Lane by virtue of overshadowing and being overbearing. On this basis, it fails to comply with policy ENV2 of the East Cambridgeshire Local Plan.

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks planning permission to convert and extend the existing garage and workshop to create an annexe. The measurements of the proposed annexe are set out in the following table (Table 1):

	Proposed annexe	
	Metres	Feet
Maximum height	3.1	10.17
Minimum height	2.6	8.5
Depth	10	32.8
Width	6	19.6

Table 1- measurements

- 2.2 The annexe will have an overall floor area of 60 square metres (196.8 square feet). This is an overall increase of 29 square metres (95.1 square feet).
- 2.3 The annexe will accommodate a living area, bathroom, kitchen, dining area and a master bedroom. Planning permission is also sought to raise the roof of the existing garage to create a slopped roof.
- 2.4 There is an existing carport that projects off the front elevation. This would require planning permission but from looking at the planning history there has not been any application submitted for the construction of a carport. Having reviewed google maps showing this has been there since at least 2006 it would seem it has deemed consent. Officers were not able to determine the acceptability of the existing car port and the impact this would have on the street scene. This carport is not likely to have been supported by officers due to the low design quality and its positioning.
- 2.5 The current application has been called into Planning Committee by Councillor Dupré on the basis of ‘The existing footprint (not internal floor area) of the workshop/garage and covered storage area is 51.9 sqm. The proposed footprint of the annexe is 60.7 sqm. This represents a net increase of 8.8 sqm, or just under 17 per cent—hardly extravagant. The proposed annexe in its current form provides the minimum practical space for the applicant to occupy in any kind of comfort. There have been several applications to this authority over the last few years for large one-bedroom and even two-bedroom detached annexes approved by case officers under delegated powers. A refusal on these grounds demonstrates a remarkable lack of consistency on the part of the authority.’
- 2.6 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council’s Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

- 3.1 No relevant history on site.

Offsite history is discussed below.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises of a detached bungalow that is located within the policy defined development envelope of Sutton. The site is not within a conservation area nor is the building listed. Link lane is characterised by detached single storey bungalows that are set back from the road with front gardens. The dwelling sits on a

prominent corner plot that benefits from a well sized front garden/ driveway and a detached garage. This is located within a residential area. There is a tree on the front driveway/ garden. The site benefits from a dropped kerb that allows access to the current single width driveway in front of the existing garage and workshop.

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.

Sutton Parish Council - 26 January 2022

'ECDC to determine.'

Ward Councillors - 8th March 2022

Councillor Dupré states 'I write again to ask you please to reconsider your recommendations in respect of 22/00042/FUL, for the following reasons.

1. The existing footprint (not internal floor area) of the workshop/garage and covered storage area is 51.9 sqm. The proposed footprint of the annexe is 60.7 sqm. This represents a net increase of 8.8 sqm, or just under 17 per cent—hardly extravagant. The proposed annexe in its current form provides the minimum practical space for the applicant to occupy in any kind of comfort. There have been several applications to this authority over the last few years for large one-bedroom and even two-bedroom detached annexes approved by case officers under delegated powers. A refusal on these grounds demonstrates a remarkable lack of consistency on the part of the authority.
2. Refusal by this authority of annexe applications on the grounds that they are equipped in such a way that they could potentially be capable of independent use has been overturned at appeal on several occasions in recent years. Just four such examples are given below. To persist in a line of argument that has been repeatedly shot down by planning inspectors is frankly perverse.

APP/V0510/W/17/3188567 20 West End, Haddenham, Cambridgeshire CB6 3TE (14 February 2018)

"It is a matter of fact and degree as to whether or not the proposed development would be an annex or an independent dwelling. In assessing this it is necessary to consider whether the proposed building could function as an annex. It does not necessarily follow that because the proposed building is capable of independent accommodation it would not, or could not, be occupied for purposes ancillary to 20 West End. As such, the presence of accommodation that would facilitate independent accommodation does not necessarily mean the annex is, or would become, a separate planning unit. As a consequence, it is unnecessary for the annex to be in the form of an extension for the additional living accommodation to be ancillary to the main residence."

APP/V0510/W/18/3194322 64 Black Horse Drove, Littleport CB6 1EG (24 August 2018)

"An annexe in planning terms is a building whose use would be complementary or ancillary to the host dwelling. I appreciate that the appeal building is not attached to No 64, and its occupiers could live independently of No 64. However, it is also sufficiently close to No 64 for the appellant to provide support and care for relatives, which is the argument advanced for this appeal. Moreover, future occupancy could be controlled by condition. As such, I conclude that the office could provide annexe accommodation for No 64, and that this would not be contrary to the spatial strategy and general design aims set out in Policy ENV2 of the Local Plan¹ (LP). In any case, this policy also states that the lifetime use of developments should be considered, with particular regard to housing." (This is a particularly relevant case as the purpose of the application, as in 22/00042/FUL, was to allow support and care to be given to relatives.)

APP/V0510/W/19/3243162 3 Nunns Way, Sutton CB6 2PH (16 March 2020)

"If the proposal does not create a new planning unit, then the annexe could be considered a part of a single family's occupation and would be an incidental use. In *Uttlesford*, the person accommodated "would have her own bedroom, bathroom and, I assume, lavatory, small kitchen, somewhere to sit and her own front door. To that extent, she will be independent from the rest of her family". The judge then went on to say that he "finds no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling". Even though the judgement was given almost 25 years ago, this principle remains valid today."

APP/V0510/D/21/3282048 Otterbush Farm The Hythe Little Downham CB6 2DT (16 November 2021)

"The distinctive characteristic of a dwelling house has been described as its ability to afford to those who used it the facilities for day to day private domestic existence. However in the case of a building for use as an annex, subsequent case law has held that whether the use of an annex would involve the creation of a separate planning unit and independent unit of occupation will be a matter of fact and degree in any particular case. Even if the accommodation for a relative provides facilities for independent day to day living, it would not necessarily become a separate planning unit from the main house; instead it would be a matter of fact and degree."

If you are not prepared to reconsider your intention to refuse, I would like to call in this application for determination by the Planning Committee. In that eventuality, please could you accept the above as reasons for the call-in and confirm that the matter will be referred to the Planning Committee for determination? Thank you.

Finally, you have stated that 'the occupiers of the dwelling currently bump up the kerb to access the driveway rather than using the dropped kerb access. This is a potential breach [sic] of highways consent and therefore officers will be informing the local highways authority and if they consider it is expedient then they [sic] local highway enforcement will take action. The current block plan is also inaccurate as the shown parking cannot be accessed by the dropped kerb. This will therefore need to be amended.' It is clear from the photograph below (which is of 1 Link Lane,

despite Google Streetview's label) that the wide dropped kerb serves both 1 Link Lane and the location of the intended annexe.

I very much hope that this application can be granted by you in light of the facts above, without the need to put the resident through the aggravation of a call-in or an appeal. If not, however, then as I have already said I would like to call this in to the Planning Committee.'

Local Highways Authority- 10/03/22

States 'I do not object to this application.

The proposals will re-align the driveway further away from the boundary wall to a location which appears to better align with the existing dropped kerb. This location will improve the pedestrian visibility for the access.

While it is difficult to determine from the submitted plans, the dropped kerb and footway crossover needs to extend the full width of the newly proposed access to prevent damage to the kerbs and unlawful crossing of the footway. If the existing crossover is not of sufficient length, then the applicant will need to apply to CCC for a wider/re-positioned dropped kerb.'

5.2 A site notice was displayed near the site on 8 February 2022.

5.3 Neighbours – 4 neighbouring properties were notified but no responses 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

ENV 4 Energy and water efficiency and renewable energy in construction

ENV 7 Biodiversity and geology

COM 7 Transport impact

COM 8 Parking provision

6.2 Sutton Neighbourhood Plan 2019

NP3 Sutton Development Envelope

NP2 Protecting and Maintaining Features of Landscape and Biodiversity Value

6.3 Supplementary Planning Documents

Design Guide

Natural Environment SPD

Climate Change SPD

6.4 National Planning Policy Framework 2021

- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 9 Promoting sustainable transport
- 15 conserving and enhancing the natural environment

7.0 PLANNING COMMENTS

7.1 The main planning considerations in determining this application are, the principle of development, the design scale and form, the impact on the street scene, impacts on residential amenity and highways matters.

7.2 Principle of Development

7.2.1 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.

7.2.2 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.

7.2.3 Policy NP3 of the Sutton neighbourhood plan states that, sustainable development proposals within the Envelope will be supported in principle subject to being of an appropriate scale and not having an unacceptable impact on: i) the amenity of residents; ii) the historic and natural environment; iii) the provision of services and facilities; and iv) the highway network.

7.2.4 The proposal is to convert and extend the existing garage to create an annexe. The site is within the policy defined development envelope of Sutton which means it complies with policies growth2 and growth 5. However, the proposal annexe would have an overall floor space of 60 square metres (196.8 square feet) and would include all the necessary functioning facilities for every day to day living. This includes a bedroom, living area, dining area, bathroom and kitchen. The National Design Guide part 2 page 73 states that for a 1 storey dwelling, the minimum size required for a 1 bed and 1 person is 39 square metres (127.9 square feet). The annexe would have its own functioning front door as well as internal storage space. Therefore, the annexe is considered to be an excessive scale that is substantially bigger than what an independent dwelling is required to be.

7.2.5 The annexe is proposed to share the utility metres with the host dwelling, a shared access and a shared amenity space. However, it is considered that the access could be separated.

7.2.6 It is noted that the agent and ward member have provided a number of appeal decisions and delegated decisions regarding other annexe applications that were approved. Below the tables set out the differences between these applications and this current application. It should be noted that all the appeal decisions have been overturned from officer's recommendation of refusal. The below table sets out the appeal decisions.

Appeal reference	Differences from this application	Floor area differences	
		Floor area	Overall difference
APP/V0510/D/21/3282048 Otterbush farm	This application was for an annexe that was set well into the site at the back of the driveway and would not be forward or in line with the host dwelling, was not visible from the street scene.	112.3 square metres (368.4 square feet)	+52.3 square metres (171.5 square feet)
APP/V0510/W/19/3243162 3 Nunns way Sutton	This application is for the change of use of an existing building with no external changes proposed. It remained the same size. 33% of the overall host dwelling floor space.	56.2 square metres (184.3 square feet) This includes the store space and the gym	-4 square metres (13.1 square feet)
APP/V0510/W/18/3194322 64 black horse drove	This is for the change of use from an office. The office use to be a garage for the host dwelling. Therefore, this was the conversion of an existing building. The inspector refers to the new proposed local plan which has since been pulled. Therefore this is not relevant.	66.7 square metres (218.8 square feet)	+ 6 square metres (19.6 square feet)
APP/V0510/W/17/3188567 20 west end Haddenham	This application states that the annexe is significantly smaller than the host dwelling.	56.41 square metres (185 square feet)	-4 square metres (13.1 square feet)

The provided delegated decisions have been assessed in the below table:

Delegated references and address	Differences from this application	Floor area differences	
		Floor area	Overall difference
21/00561/FUL	This application does not include any extension to the existing garage but remains the same size as the existing building (garage) and there are very limited external alterations.	38 square metres (124.6 square feet)	-22 square metres (72.1 square feet)
21/01642/FUL	This application does not include a bedroom or a dining area therefore it would rely on the host dwelling for these.	21.8 square metres (71.5 square feet)	-39 square metres (127.9 square feet)
20/01271/FUL	This application was the construction of a new outbuilding that measured the same scale and size as the demolished garage. This was not a highly visible building and did not impact neighbouring amenity. This was set well behind the host dwelling and away from any boundary. It did not benefit from a kitchen and therefore was reliant on the host dwelling.	56.65 square metres (185.6 square feet)	-4 square metres (13.1 square feet)
21/01274/FUL	This building was set well into the site near the rear boundary in the rear garden and would be difficult to separate. Although this was a similar size to the proposal due to the location view from the public realm could not be achieved.	44 square metres (144.3 square feet)	-16 square metres (52.4 square feet)
21/00955/FUL	This was not visible from the public realm and did not compete with the host dwelling.	65.27 square metres (213.9 square feet)	+ 5 square metres (16.4 square feet)
21/00109/FUL	This application is in the rear garden and views from the public realm are minimal. It's the conversion of an existing outbuilding with no extensions only the addition of an orangery.	65.52 square metres (214.8 square feet)	+ 5 square metres (16.4 square feet)
20/00214/FUL	This application was the conversion of an existing building and does not include any extensions or major alterations to create the Annexe.	159 square metres (521.6 square feet)	+99 square metres (324.8 square feet)

18/00816/FUL	This is a small-scale annex that although includes an extension this is very small. There were not any proposed external changes to the existing garage. The living area is small and will only have the minimum space required. The overall floor space was only 27 square metres and was less than half the floor space of this proposal.	27 square metres (88.5 square feet)	-33 square metres (108.2 square feet)
18/00477/FUL	This application is the conversion of an existing garage that does not include any extensions and the external changes would be modest.	53.1 square metres (174 2 square feet)	-7 square metres (22.9 square feet)

7.2.7 There are cases that have been presented from the agent whereby extensions and alterations to the existing outbuilding to accommodate a larger living area have been approved. However, each application is assessed on its own merits and each site has a different level of constraints. It is also noted that the majority of these cases are set back into the site behind the host dwelling and would not therefore visually compete with the host dwelling. Therefore, just because there are 2 cases (21/01274/FUL, 21/00955/FUL and 20/01271/FUL) where larger annexes have been permitted, does not mean that this application should be approved. The biggest differences from this application are the location on the site as the proposal at 1 Link Lane would be forward of the principle elevation.

7.2.8 It is noted that ward member has pointed out that the annexe in its current form is the minimum size to provide any comfort. However, after looking into other approved annexes in Sutton, there was only one example as shown above (3 Nunns way) which was smaller than the proposal. There is also an example of an allow appeal (16/01772/FUM) for an affordable housing scheme that if you removed the second bedroom it would calculate at 71 square metres then another 5 square metres would be taken off for the stairwell. It has the equivalent of 66 square metres which is 6 square metres more than the proposed single storey annexe. The proposed building is clearly therefore substantially over the required size for comfort.

7.2.9 Therefore, the proposal fails to comply with policy NP3 due to the excessive scale of the annexe being 10 metres deep, 6 metres wide and 3.1 metres in overall height. The principle of development is not acceptable due to the reasons above. The other issues regarding neighbouring amenity and design are set out and addressed below.

7.3 Residential Amenity

7.3.1 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.

- 7.3.2 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.
- 7.3.3 The proposed annex will be located next to the east boundary, the east boundary serves as the neighbouring dwellings rear garden boundary. The side elevation of the proposed annexe will not have any windows. Therefore, overlooking will not occur from the proposed annexe. The eastern boundary treatment comprises of a standard 1.8 metre (5.9 feet) close boarded fence. Therefore, the proposed raised roof would mean the annexe would protrude 1.3 metres (4.2 feet) above this fence line for a depth of 10 metres (32.8 feet). Due to the close proximity to the eastern boundary, it is considered that overshadowing would occur in the late afternoon/ evening to number 3 Link Lane.
- 7.3.4 As the annexe would be hard on the neighbouring east boundary, this would be along most of the width of number 3s rear garden. It protrudes above the fence and is therefore considered to be overbearing to number 3s garden.
- 7.3.5 It is noted that the existing garage is in the same location as the proposed annexe. But the proposed annexe will be taller and deeper than the existing garage. This is set out in the table below:

	Existing garage		Proposed Annexe		Overall difference	
	Metres	Feet	Metres	Feet	Metres	Feet
Depth	5.7	18.7	10	32.8	4.3	14.1
Ridge (max)	2.2- flat roof	7.2	3.1	10.1	0.9	2.9
Eaves (min)	2.2- flat roof	7.2	2.6	8.5	0.4	1.3

- 7.3.6 Due to the close distance between the boundary and the proposed annexe, it is considered that the annexe would have an adverse impact on neighbouring amenity and is contrary to policy ENV2.
- 7.4 Visual Amenity
- 7.4.1 Policy ENV1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure they provide a complementary relationship with the existing development, Policy ENV2 states the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area. Policy ENV2 also requires that all development should be designed to a high quality that enhances and compliments the local distinctiveness.
- 7.4.2 It is noted that the Design Guide SPD does not specifically contain guidance on annexes. Despite this, it does provide guidance regarding extensions as well as

outbuildings which can be applied to this application. The Design Guide states that extensions should not be dictated by a desire for a particular amount of additional floor space. It also states that outbuildings should be the minimum size necessary and should not compete with the host dwelling. The existing host dwelling when measured has an overall floor space of 106.59 square metres (349.7 square feet.), the floor space of the proposed annex is 60.7 metres square (199.1 square feet). This means the annexes floor space would equvalate to 56 percent of the existing dwellings floor space. This is considered to be excessive and that the annex would compete in size with the host dwelling.

7.4.3 The existing garage and workshop have an overall floor space of 31 metres square. Whereas the proposed annex would have an overall floor space of 60 metres square which would be a 29 metres square (95.1 square feet) increase and 93% of the existing garage/ workshop area. The host dwelling is approximately 2.3 metres (7.5 feet) to the eaves and 4.8 metres (15.7 feet) to the ridge. The existing garage measures 2.1 metres (6.8 feet) in height which is subservient to the host dwellings eaves.

7.4.4 The table below sets out the proposed dimensions against the existing dimensions and the overall difference:

		Existing garage		Proposed Annex		Overall difference	
		Metres	Feet	Metres	Feet	Metres	Feet
Depth		5.7	18.7	10	32.8	4.3	14.1
Width		5.5	18.0	6	19.6	0.5	1.6
Height	Eaves (min)	2.2- flat roof	7.2	2.6	8.5	0.4	1.3
	Ridge (max)	2.2- flat roof	7.2	3.1	10.1	0.9	2.9
Floor space		31 square	101.7 square	60 square	196.8 square	29 square	95.1 square

7.4.5 The site is a prominent corner plot on Link Lane that is highly visible. Link Lane has a mixed street scene with detached dwellings. A common characteristic of this area is that most of the dwellings are served by integral garages or garages to the side.

7.4.6 This structure is forward of the host dwellings principle elevation. The proposal includes the installation of a front door and window and raising the roof to create the annex. This would be a highly visible change in this street scene. The existing garage is not of high architecture merit, but neither is the proposed annex.

7.4.7 The application also includes the construction of a carport. It is noted that the carport is not of a high-quality architectural merit. But there is an existing carport that will be taken down is of a similar architectural merit. Therefore, this would not

have a more detrimental impact than the existing carport. It should be noted that this car port was not granted planning permission but has been there more than 4 years. Therefore, it was not assessed the impact this would have on the street scene. The carport is proposed to project off the front of the proposed annexe.

7.4.8 Overall, the proposed annex is of an excessive scale that is not acceptable and fails to comply with policies ENV1 and ENV2.

7.5 Highways

7.5.1 Policy COM 8 of the ECDC Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking (two spaces for a dwelling in this location), and Policy COM 7 of the ECDC Local Plan 2015 requires proposals to provide safe and convenient access to the highway network. Section 9 of the NPPF seeks to secure sustainable transport.

7.5.2 The proposal is for the conversion of the existing garage and workshop to accommodate an annex. The existing garage measures 2.7 metres (8.8 feet) wide and 5.4 metres (17.7 feet) depth internally. The parking standards set out in the Design Guide SPD states that a garage should measure 3 metres wide internally to qualify as a parking space. It is noted that this could still be used to park a car in although unlikely and would be a bit more difficult.

7.5.3 The existing driveway measures only 8 metres deep, therefore it is not considered that this could fit 2 cars parking in tandem. Due to the location of the tree, this is the only viable space available for parking. As it currently stands the proposal would result in the site having insufficient parking spaces that would fail to comply with policy COM8. This could be overcome by the dropped kerb being widened or a new access being proposed. Alternatively, if the tree was removed then this would allow for another parking space.

7.5.4 The application also includes the carport to be moved over to be in front of the proposed front door to the annex. However, from a site visit and the proposed block plan it is clear that there is an existing tree in the front garden that is proposed to be retained. The location of the tree will mean that a car would not be able to manoeuvre in and out of the car port. Therefore, this will not be a viable parking space. It is noted that the tree is already here therefore this is currently not able to be used as a parking space.

7.5.5 The highway officer has provided comments on this application. He has commented that he does not object to this application. Despite this he does note that it is an offence to bump up the kerb and cross a higher kerb/ pavement.

7.5.6 It is noted that there is an existing dropped kerb that provides access to the site. However, due to the positioning of the dropped kerb, it is not possible to access the paving area on the front garden without crossing the foot path that does not benefit from a dropped kerb. This is due to there being tree located on the front driveway. As this is an offence, the agent has been advised that the kerb would need to be widened or a new dropped kerb would need to be added. The parking on the hardstanding area should be stopped and is at the applicants own risk. The agent has confirmed that this will not be added as part of this application.

- 7.5.7 Therefore, the proposal does not comply with policies COM7 and COM8 and the drooped kerb is an offence that impacts highway safety.
- 7.6 Climate change
- 7.6.1 The proposed annexe needs to meet the standards for climate change. There has not been any sustainability information submitted however, given the scale of the development there is proposed to be roof lights and windows to provide glazing that reduces the reliance on artificial lighting. There is not enough information to determine if it complies with policy ENV4 but this could easily be secured by conditions if needed. It would not be a reason for refusal on balance.
- 7.7 Biodiversity
- 7.7.1 As this application is not a householder but assessed as a FUL application, it needs to provide net biodiversity gain. This would include the installation of bird boxes, bat boxes etc. although no details have been provided with the application, it can be secured by a condition and therefore it can comply with policy ENV7.
- 7.8 Planning Balance
- 7.8.1 Whilst the application site is within the development envelope of Sutton, it fails to comply with policy NP3 of the Sutton neighbourhood plan. The proposal would be an excessive scale and have a detrimental impact on the character of the area and it would compete with the host dwelling. Therefore, the proposal is recommended for refusal, as defined by paragraph 1.1.
- 8.0 APPENDICES
- None.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
22/00042/FUL	Isabella Taylor Room No. 011 The Grange Ely	Isabella Taylor Planning Officer 01353 665555 isabella.taylor@eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

Planning Performance – February 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.

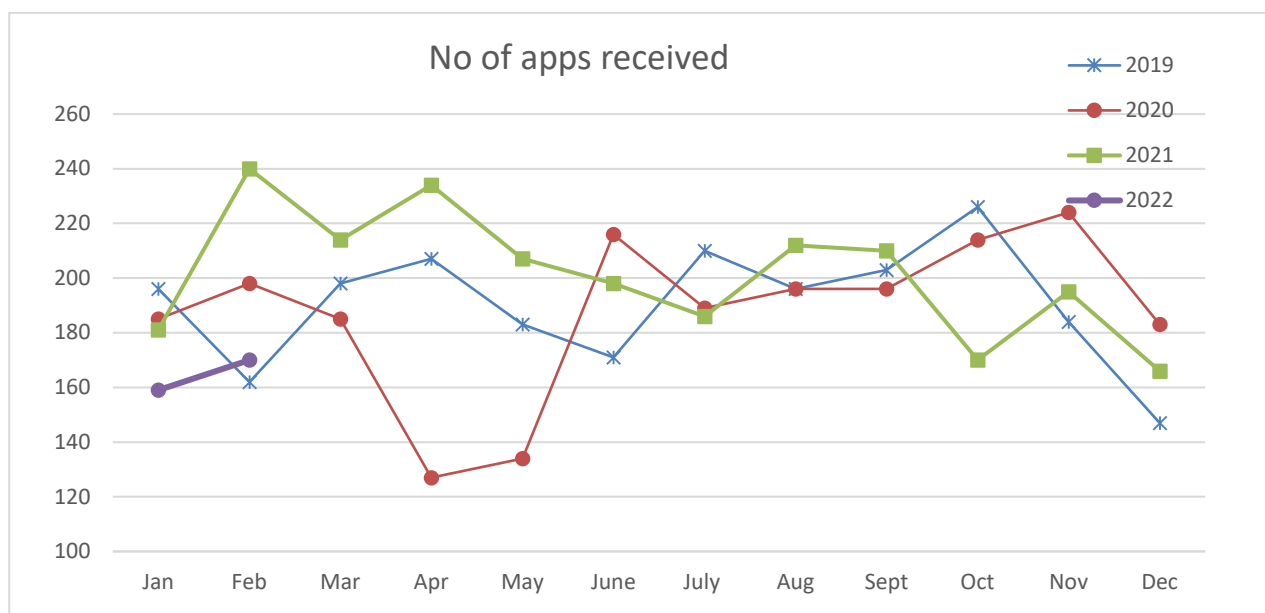
All figures include all types of planning applications.

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Validation	140	8	22	48	21	24	17
Validated within 5 days (%)	92%	(ECDC target of 75%)					
Determinations	137	1	20	40	14	38	24
Determined on time (%)		100% (90% within 13 weeks)	85% (80% within 8 weeks)	95% (90% within 8 weeks)	77% (90% within 8 weeks)	53% (80% within 8 weeks)	100% (100% within 8 weeks)
Approved	126	1	16	36	11	38	24
Refused	11	0	4	4	3	0	0

Open Cases by Team (as at 18/03/2022)							
Team 1 (3.8 FTE)	189	16	44	40	28	61	0
Team 2 (3 FTE)	143	14	49	28	21	31	0
Team 3 (4 FTE)	182	17	40	46	31	48	0
No Team (3 FTE)	36	10	3	0	9	14	26

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

The Planning department received a total of 170 applications during February which is an 29% decrease of number received during February 2021 (240) and 7% increase to the number received during January 2022 (159).



Valid Appeals received – 3

Planning reference	Site Address	Decision Level
21/01151/FUL	Land Between 37 And 38 Great Fen Road Soham	Delegated
21/01675/FUL	57 Gateway Gardens Ely	Delegated
ENFORCEMENT	Mount Pleasant Farm 66 - 68 Main Street Pymoor	NA

Appeals decided – 4

Planning reference	Site address	Decision Level	Appeal Outcome
19/00717/OUM	Broad Piece Soham	Committee	Allowed
20/00895/FUL	The Reindeer 62 The Street Saxon Street	Delegated	Dismissed
20/01005/FUL	1 Bury Lane Haddenham	Delegated	Dismissed
21/00803/FUL	Land Between 31 & 37 Brinkley Road Dullingham	Delegated	Allowed

Upcoming Hearing dates – 1

Planning reference	Site address	Decision Level	Hearing date
18/00955/FUL	Site South Of 10 Narrabeen Park Whitecross Road Wilburton	Delegated	04/05/2022

Enforcement

New Complaints registered – 17 (3 Proactive)

Cases closed – 20 (2 Proactive)

Open cases/officer (2.6FTE) – 177 cases (22 Proactive)/2.6 = 68 per FTE

Notices served – 5

Notice Type	Site address	Date Served
Enforcement Notice	Unit 7 17 Oak Lane Littleport	09/02/2022
Enforcement Notice	Unit 12 17 Oak Lane Littleport	09/02/2022
Enforcement Notice	Unit 14 17 Oak Lane Littleport	09/02/2022
Enforcement Notice	Unit 15 17 Oak Lane Littleport	09/02/2022
Enforcement Notice	Unit 20 17 Oak Lane Littleport	09/02/2022

Comparison of Enforcement complaints received during February

Code	Description	2021	2022
ADVERT	Reports of unauthorised adverts	1	1
COND	Reports of breaches of planning conditions	7	1
CONSRV	Reports of unauthorised works in a Conservation Area	0	0
DEM	Reports of unauthorised demolition in a Conservation Area	0	0
HEDGE	High Hedge complaints dealt with under the Anti-Social Behaviour Act	0	0
LISTED	Reports of unauthorised works to a Listed Building	0	1
OP	Reports of operational development, such as building or engineering works	9	6
OTHER	Reports of activities that may not constitute development, such as the siting of a mobile home	0	0
PLAN	Reports that a development is not being built in accordance with approved plans	8	2
PRO	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	0	3
UNTIDY	Reports of untidy land or buildings harming the visual amenity	0	0
USE	Reports of the change of use of land or buildings	2	3
TOTAL		27	17