



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: **Wednesday 30th November 2022**

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

ENQUIRIES REGARDING THIS AGENDA: Caroline Evans

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

MEMBERSHIP:

Conservative Members

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

Substitutes:

Cllr David Ambrose Smith
Cllr Julia Huffer
Cllr Joshua Schumann

Lead Officer

Simon Ellis, Planning Manager

Liberal Democrat Members

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

Substitutes:

Cllr Charlotte Cane
Cllr Simon Harries
Cllr Christine Whelan

Independent Member

Cllr Sue Austen (Lead Member)

Substitute:

Cllr Paola Trimarco

Quorum: 5 Members

**PLANNING COMMITTEE MEMBERS TO MEET IN RECEPTION AT
THE GRANGE AT 10:25AM FOR SITE VISITS.**

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 12th October 2022.

4. Chairman's Announcements

[oral]

5. Terence Place, Fordham (16/01551/OUM and 18/01067/RMM)

To consider variations to the S106 agreement for planning application 16/01551/OUM to enable the unfinished site to be completed.

6. 21/00535/FUM

Mixed-use redevelopment comprising residential dwellings (Use Class C3), commercial floorspace (Use Class E) and associated landscaping and parking provision

Location: Land Opposite Roundabout (Former Westmill Foods), Angel Drove, Ely

Applicant: CL No.2 Limited (Godwin Developments)

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QQW5N3GGHBB00>

7. 21/01156/FUL

Application for the continued occupation of a temporary residential building

Location: Alpaca Lifestyle Farm, First Drove, Little Downham

Applicant: Mr S Cole

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QXCU67GGLWN00>

8. 22/00450/FUL

Demolition of existing bungalow & erection of 2 No. four bed dwellings with new combined access, along with associated parking, turning & site works.

Location: 162 West Fen Road, Ely, CB6 3AD

Applicant: Lildex Property Ltd

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RA9WEZGGFOF00>

9. Planning Performance Report – September 2022

NOTES:

1. Members of the public are welcome to attend this meeting. Please report to the main reception desk on arrival at The Grange. Visitor car parking on-site is limited to 1h but there are several free public car parks close by: <https://www.eastcambs.gov.uk/parking/car-parks-ely> The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints this will normally give a capacity for public attendance of 30 seated people and 20 standing. Public access to the Council Chamber will be from 30 minutes before the start of the meeting and, apart from for registered public speakers, is on a “first come, first served” basis.

2. The meeting will also be livestreamed on youtube for public viewing. The link will be available from the meeting webpage in advance of the meeting: <https://www.eastcambs.gov.uk/meetings/planning-committee-30112022> Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.
3. The Council has a scheme to allow public speaking at Planning Committee. If you wish to speak on an application being considered at the Planning Committee please contact Caroline Evans, Democratic Services Officer for the Planning Committee caroline.evans@eastcambs.gov.uk, to register by 10am on Tuesday 29th November. Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to attend in person. Please note that public speaking, including a statement being read on your behalf, is limited to 5 minutes in total for each of the following groups:

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

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

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

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

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

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



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

AGENDA ITEM NO 3

Minutes of a meeting of the Planning Committee held at 2:00pm on Wednesday 12th October 2022 in the Council Chamber at The Grange, Nutholt Lane, Ely, CB7 4EE.

PRESENT

Cllr Christine Ambrose Smith
Cllr David Brown
Cllr Lavinia Edwards
Cllr Lis Every
Cllr Bill Hunt (Chairman)
Cllr Alec Jones
Cllr Lisa Stubbs (Vice-Chairman)
Cllr John Trapp

OFFICERS

Sally Bonnett – Director Communities
Maggie Camp – Director Legal
Tracy Couper – Democratic Services Manager
Toni Hylton – Planning Team Leader
Anne James – Planning Consultant
Dan Smith – Planning Team Leader (Lead Officer)
Angela Tyrrell – Senior Legal Assistant

IN ATTENDANCE

Pretoria Lee (Adjacent landowner, Agenda Item 5 / Minute 38)
Oliver Bell (Applicant's Agent, Agenda Item 5 / Minute 38)

1 other Member of the Public

Yvonne Carnichan – Development Services Support Officer
Sarah Parisi – Senior Support Officer
Melanie Wright – Communications Officer
Adeel Younis – Legal Assistant

34. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Cllrs Sue Austen, Matthew Downey, and Gareth Wilson.

35. DECLARATIONS OF INTEREST

Cllr Ambrose-Smith declared an interest in Agenda Item 6 (22/00358/FUL, Land North East of Rijn, Padnal, Littleport) due to being a Member of Littleport Society, which had submitted a letter of objection. However, she remained open-minded, as her views had not been canvassed, and would therefore participate in the debate and voting.

36. **MINUTES**

It was resolved:

That the Minutes of the meeting of the Committee held on 7 September 2022 be confirmed as a correct record and signed by the Chairman.

37. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman gave details of the Special Planning Committee meeting to be held on Thursday 3 November 2022 at 10.30am at Mandeville Hall, Burwell, to consider the Council's response to the Sunnica application. He highlighted that the District Council was a consultee for this application, rather than determining the application.

38. **21/01216/F3M - CONSTRUCTION OF A CREMATORIUM AND ASSOCIATED SERVICE AND ADMINISTRATION BUILDING, FUNCTION BUILDING, MEMORIAL GARDEN, NATURAL BURIAL AREAS, PET CEMETERY, CAR PARKING, NEW VEHICULAR ACCESS FROM THE A142 NORTH OF THE SITE AND LANDSCAPING**

Anne James, Planning Consultant, presented a report (X90, previously circulated) recommending approval of an application seeking permission for the construction of a Crematorium, Administration building, Function building, Memorial Garden, Natural Burial areas, Pet Cemetery and car parking, with a secondary vehicular access from the A142 north of the site to serve the recreational use only.

Members were provided with Office for National Statistics figures for the percentage of cremations nationally each decade since 1970.

Ms James explained in detail the history of the previous usage of the site as an outdoor leisure facility by a local trust; the disbanding of that trust and extensive but ultimately unsuccessful attempts by the Council to find an alternative operator; the vandalism and arson incidents on the site leading to demolition of the buildings; and background to the current application. She then went onto to give a detailed overview of the application and the material Planning considerations which were:

- principle of development,
- residential amenity,
- visual amenity,
- historic environment,
- access,
- highway safety and parking,
- ecology, climate change and sustainability;
- various other matters material to the application.

In summary, the application had been evaluated against the extant Development Plan which was the starting point for all decision making. The Development Plan comprises the East Cambridgeshire Local Plan 2015 and Cambridgeshire and Peterborough Minerals and Waste Core Strategy, the report had assessed the application against the relevant policies of the Local Plan and the NPPF.

The site formed part of the Mepal Gravel Pits CWS and had previously been operating as an outdoor activity centre. Whilst it was acknowledged that this centre was well-used and there had been overwhelming support for its retention, no service provider had been found to continue that use. Whilst the site had not been in use, it had suffered from arson attacks and anti-social behaviour. However, the biodiversity and ecology interests had thrived, and should the previous use be reinstated across the site, then the protected species and natural habitats may be detrimentally affected as a consequence.

The proposal would retain the land for the continuation of passive leisure and recreational purposes with an area of the site to the south proposed for a new Crematorium, and associated service and administration building, function building, memorial garden, natural burial areas, pet cemetery and car parking. The community use of the site had therefore been retained.

The scheme would be sufficiently distant from any residential properties as required by the Cremation Act and therefore of no material harm to residential amenity.

In terms of design and the use of materials is concerned, the Crematorium and associated buildings were of a high quality of design and the palette of materials proposed would blend in with the surrounding area. Architecturally the scheme was visually attractive and the bulk, scale and massing of the proposal far less visually intrusive than the previous buildings and would not be visible from long distance views. As such, it was more in keeping with the character of the area than the previous buildings.

The scheme would generate additional traffic - however, the Local Highways Authority had raised no objection subject to a condition restricting the operation of the site outside of peak traffic times.

As set out in the Council's Corporate Plan 2017-2019 there had been a long-standing ambition to provide a crematorium and natural burial ground within the district. The site was suitable for the proposed uses and there were no effects which counted significantly against the proposal or which outweighed the community and economic benefits of the development.

The scheme accorded with both national and local planning policy and was considered to represent sustainable development, and there were no material considerations that indicated permission should not be granted in this instance.

It was therefore recommended for approval subject to conditions.

The Chairman thanked Ms James for her thorough and comprehensive presentation.

On the invitation of the Chairman, Pretoria Lee addressed the Committee as the adjacent landowner. She explained that she represented PJ Lee and Pretoria Energy, the sites of which bordered 3 sides of the application site and whose occupations consisted of arable farming, green energy production and quarrying minerals. She emphasised that these companies were not objecting to the application, but that Pretoria Energy was a concerned neighbour, due to the

trespass and damage to their site caused by people attempting to gain access to the application site for fishing and other recreational purposes.

Ms Lee then went on to make the following points:

On the north side of the application, we have Pretoria Energy. Through our own application conditions, we had to implement a proportion of sound attenuating fence line to shield that of the old outdoor centre. We propose a condition is needed for this application to construct their own sound proof boundary either through bunding and landscaping or fencing to help that of the noise for traffic on the roundabout as well as the fact we are currently building an extension to the AD plant with increased traffic movements. As a company with the access rights on this roundabout, we would happily allow ECDC to utilise in this respect to implement such fencing.

On the southern side of the application we have the P J Lee and Mick George haul road. This is a main access to a fenland estate of which has 365 days a year movements by both laden and unladen tractors and HGVs. To try and alleviate traffic movements through local villages such as Sutton and Chatteris, it's a rubble track that undoubtedly becomes an agricultural highway in the appropriate harvest months. Albeit we have tankers for dust suppression and sweepers for mud deposits that are annually used, inevitably in our opinion it's not a background noise that would be appreciated by mourners at any point. We would therefore also propose a solution here of sound attenuation from the current boundary.

On the western boundary we have 5-10 vehicles a day trespassing across our haul road to park and currently illegally fish at this location. It has become a weekly clear up of rubbish and fly-tipping which is hard to maintain and control. We are hoping with the designated areas proposed for parking, this will hopefully clean up the area and also reduce the vandalism incidents at our premises gateways, both P J Lee and Pretoria energy.

I understand that some of my comments cannot be regarded as material considerations, but I do hope with the Committee Members support and the officers assistance, a successful outcome could be achieved by all.

Thank you for your time.

Cllr Jones asked for further clarification regarding the anti-social behaviour and possible mitigations, and Ms Lee referred to vandalism of gates and fencing to gain access to the application site, as well as abandoned cars. Cllr Trapp queried potential increases in traffic movements to the energy site and Ms Lee explained that the expansion of the site would generate greater movements both during the construction phase and after, but these had not been quantified.

The Chairman thanked Ms Lee for her attendance and useful information.

Oliver Bell, the applicant's agent, then addressed the Committee. He commended the Planning Officer's comprehensive presentation of the application, which had covered all of the technical issues. Therefore, he stated that he would focus on the benefits that the scheme would deliver. Whilst there was affection for the old Outdoor Centre, this has been closed for over 10 years and, despite extensive attempts, no viable alternative user had been identified in that time, despite the

Council's ongoing efforts. There was currently no crematorium within the East Cambridgeshire District and an Outline Business Case had been approved by the Council in July 2020. Community consultations had been undertaken and had demonstrated that such a facility would be used by both local funeral directors and the public, if available. Whilst adjacent Districts had such facilities, each crematorium application had to be considered individually on its merits. This application had the benefits that:

- it was a brownfield site not greenfield site
- delivered multi-functional uses on a brownfield site
- was of a very high level of design
- had strong sustainability credentials, e.g. electric cremator, solar panels, electric car charging points
- provided a holistic bereavement service
- allowed for informal public recreational access

All of this gave excellent grounds for approval of the application.

In response to a question by Councillor Jones regarding the flue for the cremator, Mr Bell stated that it was unobtrusive since it was the same height as the building, and Ms James indicated the flue's location on a plan.

Cllr Every referred to the history of the site and extensive attempts of the Council to secure an alternative recreational provider, and Mr Bell acknowledged this and the chequered history of the site. The Chairman commented that he had been Chair of the relevant Working Party that had attempted to find a viable commercial leisure solution, but this had not proved possible.

Councillor Trapp asked about the options considered for the cremator and Mr Bell stated that a range of alternatives had been evaluated, but the electric cremator was a recent advance that had been selected on the grounds of sustainability. In response to a further question from Councillor Trapp regarding solar panels and alternative energy sources, Mr Bell confirmed that the solar panels would meet 70% of the energy requirements for the site. However, ground source pumps had not been considered due to the ecology of the site.

Councillor Jones asked about possible noise mitigation measures and Mr Bell stated that a noise assessment of the adjacent facilities had been undertaken, but there was limited noise generation locally and some agricultural-related noise generation in the open countryside was acceptable. In response to a further question from Councillor Jones on trespass, illegal fishing and the possibility of fencing, Mr Bell acknowledged that this would help with such illegal uses, but the building of the facility also would help to prevent this as well.

The Chairman thanked Mr Bell for his attendance.

The Democratic Services Manager then read a statement from the two local Ward Members, Cllrs Dupré and Inskip (a copy of which is appended at the end of these Minutes).

The Chairman referred to the fact that Cllr Dupré also had been a Member of the Working Party that had worked so hard to identify an alternative leisure provider for the site.

The Chairman invited further comments from the Planning Officer and then questions to her from Members. Regarding the boundary fencing, the Planning Consultant explained that 2m security fencing was proposed on the southern boundary. Whilst noise was generated by the Pretoria Energy site, it was considered that some ambient countryside noise was expected and was unlikely to affect visitor experience to the site. However, acoustic fencing could be considered in the future, if noise was deemed to be an issue. Access to the northern boundary also could be restricted via a condition. With regard to the Ward Councillors' statement, this was similar to their letter of representation detailed in the report and all of the issues raised had been addressed in the report.

The Chairman then opened the debate. Comments/queries were raised by Members as follows:

Councillor Trapp referred to the proposal to withdraw the local bus service from 3 October 2022 as a material consideration. He also queried if the uses of the land for passive recreational purposes would include the water areas. Ms James responded by stating that the proposed withdrawal of local bus services would have the same affect for any proposed community use of the site and, whilst a consideration, needed to be balanced against all of the others. The use of the site in the application lends itself to car usage and sharing and this possibly would not be the case for other potential community uses. The Chairman reminded the Committee of the commitment of the Combined Authority Mayor to improve rural bus services. On the subject of passive recreational uses, these did not currently include usage of the water areas, but this could be considered in the future, provided it did not adversely impact on the wildlife habitats.

Councillor Trapp also raised questions on the estimated number of cremations to be held per day, floor levels of the Chapel and uses of the function Hall, which were responded to by Ms James. Councillor Trapp asked for consideration of the provision of a 'changing places' toilet at the site.

Councillor Brown raised a question on the highway access to the crematorium and 'no right turn' arrangement that also was explained by Ms James. Councillor Brown commented that the position on local bus provision might well change before construction commenced, but the application could only be considered on the current situation.

The Chairman and Vice-Chairman asked for further elaboration on the proposed passive recreational uses and Ms James reported that the Wildlife Trust had been engaged early in the design process due to the biodiversity issues relating to the site and the limitations that these would cause for future development. It was emphasised that the application and proposed passive recreational uses would not jeopardise the biodiversity of the site. This also could be monitored and other sympathetic uses considered in the future, in consultation with the Wildlife Trust. In response to a further question, Ms James confirmed that no objections had been received to the principle of the application from Sutton and Mepal Parish Councils or Fenland DC.

Councillor Brown proposed approval of the officer recommendation and this was seconded by the Vice-Chairman. In doing so, the Vice Chairman commended the amount of work undertaken to bring the application to this position, the high level of local consultation and addressing of all of the different elements relating to the site. She believed this would be a facility that the Council could be proud of due to the high level of design, sustainability and passive leisure uses. These factors would all contribute to providing the best possible experience to people at the saddest time in their lives. The unique biodiversity of the site would be protected and the site could well become the 'jewel in the crown' for the Council.

Councillor C Ambrose-Smith expressed her view that the crematorium was required to service this growing part of the District and would be well-used, which was why she supported approval.

Councillor Jones acknowledged that there were no Planning reasons for refusal, although it was regrettable that the site could not be retained for its previous outdoor leisure pursuits purposes.

Councillor Trapp expressed his opposition to the application on public transport access grounds.

However, Councillor Every expressed her support and thanked officers for their extensive work on the application. The Chairman echoed these views and referred to the lack of highways objections and the fact that the growth in the north of the District and upward trend in the number of cremations highlighted by the statistical information provided, all demonstrated a need for the facility.

Upon being put to the vote,

It was resolved:

That planning application ref 21/01216/F3M be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report.

3:50pm – 4:02pm – brief adjournment for a comfort break.

39. 22/00358/FUL – 6 NO. FOUR BED DWELLINGS AND ASSOCIATED WORKS, LAND NORTH EAST OF RIJON, PADNAL, LITTLEPORT

Toni Hylton, Planning Case Officer, presented a report (X91, previously circulated) recommending approval of an application seeking the construction of 6 detached dwellings. Attention was drawn to the removal of reference to phased development of the site and the omission of Conditions 15 to 18 from the recommendation on page 1 of the report, although these appeared in Appendix 1. An additional Condition relating to Energy & Sustainability also was proposed by the Case Officer. A letter of representation from Littleport Society had been circulated to all Members of the Committee.

The Case Officer then went onto to give a detailed overview of the application and the material Planning considerations which were:

- Principle of development

- Residential amenity
- Visual amenity
- Historic environment
- Highways
- Ecology & trees
- Flood risk

In summary, the Case Officer stated that, following recent appeal decisions, development of the site for 6 dwellings was broadly in accordance with the development plan and as such the principle of development was considered acceptable. The previous detailed reasons for refusal had been addressed which included ensuring the neighbouring amenities were maintained and affordable housing was no longer required on a scheme of this size. Where appropriate, conditions could be applied to ensure the future amenities of the neighbours were maintained by way of restricting windows and the design and orientation of the proposed dwellings ensured the distances between the proposed and existing dwellings met the guidelines set within the Design Guide SPD. It was considered the site could provide adequate off-street parking and safe access into the site. There may be an issue regarding a ransom strip, however, it was not a material consideration in the determination of a planning application and it would fall to the developer to address this, if it was an issue. On this basis, the proposal was recommended for approval, subject to appropriate and necessary conditions.

The Democratic Services Manager then read out the statement from the Littleport Society as follows:

The Executive and Committee Members of the Littleport Society are of one mind in its objection to this application for a number of reasons:

- 1) The development site lies outside the boundary of the Adopted Development Envelope as defined in the Policies Map (April 2015) and approval of this application would fundamentally breach the guidance of the East Cambridgeshire District Council Local Plan.
- 2) The Littleport Society is aware that the National Planning Policy Framework contains an exemption allowing for isolated homes in the countryside that are of exceptional quality or innovative nature. The Society has carefully studied the proposals for this development and is of the opinion that the design comprehensively fails to meet these criteria.
- 3) Objections to the scheme from both neighbours and consultees include fear of overlooking, flooding, disturbance to residents, disturbance to existing wildlife and inadequate vehicular access to the site both for construction traffic and potential residents.
- 4) The Littleport Society maintains its belief that this proposal, rather than creating a “windfall” housing development, constitutes a major intrusion into the rural space around the village. Taking into account the substantial housing schemes elsewhere in this and neighbouring parishes, the development is considered to be unnecessary and nothing more than an unfortunate destruction of an heritage greenfield asset.

The Littleport Society requests that the application is refused in its entirety.

At the invitation of the Chairman, the Democratic Services Manager also read out a statement of objection from Catherine Crane, a neighbour of the site, as follows:

I strongly feel this proposed development does not sit right within the area, this paddock has an abundance of wildlife including bats, water vole, bees, birds, butterflies, dragonflies, muntjac, foxes, squirrels, bank voles, field mice, shrews, red kites as well as many established natural trees/hedgerows which provide cover and nutrition for these creatures. I do not feel it is fair to take this away from them for human gain.

Not to mention this paddock has had various horses on it for more than 10 years, so it is very much in use!

The 6 dwellings will overbear all surrounding properties and will stand out like sore thumbs.

The proposed wildlife habitat mentioned is tiny in comparison to real life.

Where will the catchwater drain to? The dyke has become close to flooding in the past and with 6 large houses being built what happens to the water then?

The impact to all residence regarding traffic (a minimum of an extra 12 vehicles) will make this peaceful country lane unbearable and unsafe to the many ramblers, families and dog walkers every day. Not to mention the junction to Victoria Street/Padnal being even more congested so close to the railway crossing.

Can we not try and keep a little countryside within the countryside?

With the new development of Highfield, Littleport and the continued development of 700 dwellings being built along the A10 Littleport, we must surely have enough housing for everyone?

The Case Officer stated that all of the issues raised in the objections had been addressed in the report. Members raised questions on the objections which were responded to by the Case Officer as follows:

With regard to a question by Councillor Jones on flooding issues, it was reported that the site was in Flood Zone 1, and no objections had been made by the Internal Drainage Board regarding the ditch issue.

The Vice-Chairman queried the comment by Littleport Society regarding the NPPF exemption for exceptional design. The Case Officer reported that this related more to isolated houses in rural locations rather than small-scale developments on edge of settlement sites, so did not apply in this case.

Councillor C Ambrose-Smith raised a question on fire hydrants and was advised that this was addressed by Condition 7.

Councillor Ambrose-Smith commented that the small number and quality of the design for the site appeared to be better than other sites being constructed in Littleport and would be attractive to purchasers. Councillor Trapp also commended on the fact that this was a large site in a good location with a small number of

houses. Councillor Brown referred to the fact that the Soham appeal decision made this application justifiable. The Vice-Chairman queried what would prevent the developer increasing the number of houses for the site, if the principle of development was established. The Case Officer stated that this would require a further application and issues such as traffic generated were likely to be a material consideration.

Councillor Trapp raised a question on the allocated habitat area and it was suggested that an additional Condition should be drafted relating to a Management and Maintenance Plan for this. Councillor Brown supported this approach. He queried why the site was outside of the development envelope for Littleport and, in the light of the Soham appeal decision, proposed approval of the officer recommendation with the above-mentioned amendments by the Case Officer and an additional Condition relating to a Management and Maintenance Plan for the Biodiversity Habitat. This was seconded by Councillor Trapp.

It was resolved [unanimously]:

That planning application ref 22/00358/FUL be APPROVED subject to the all of the recommended conditions detailed in Appendix 1 of the Officer's report, the addition of a Condition 19 relating to Energy and Sustainability and removal of reference to 'phased development' from the description of development.

It was further resolved:

That the Planning Team Leaders be given delegated authority to draft an additional condition regarding the provision of a Management and Maintenance Plan for the Biodiversity Habitat.

The meeting concluded at 4:40pm.

Cllr Mark Inskip
Cllr Lorna Dupré
District Councillors for the Sutton Ward
October 2022

21/01216/F3M

Construction of a crematorium and associated service and administration building, function building, memorial garden, natural burial areas, pet cemetery, car parking, new vehicular access from the A142 north of the site and landscaping: Mepal Outdoor Centre Chatteris Road Mepal Ely Cambridgeshire CB6 2AZ

Introduction

The Mepal Outdoor Centre site was, for more than three decades, a well-used and valued community outdoor leisure facility. If this application for a crematorium and associated elements is approved then the potential for meaningful outdoor leisure will be lost at the site. The few future leisure opportunities suggested are very much ancillary to the main purpose, reflected in the provision of just six parking spaces.

Leisure use

Whilst previous attempts to find an operator for the site to continue outdoor leisure facilities were not successful, alternative operating models have not been extensively explored which may have been more viable. The district council had also not considered any new investment, as could have been provided by allocating just a small proportion of the Community Infrastructure Levy receipts it holds from developments in the surrounding area. It should also be noted that post-COVID there is an increased focus on outdoor leisure facilities. The district council has therefore not adequately demonstrated that there is no longer a need for the existing use as an outdoor leisure facility.

Community views

The community view of the proposals has been well established by the applicant's own survey as reported in the Statement of Community Involvement. Paragraph 3.4.2.8 Additional comments summarises the results, reporting that just 13.0% of respondents supported the proposals with 85.4% opposed to them. The primary reasons for the opposition to the proposals were;

1. The site should be retained as an outdoor leisure centre
2. There is not seen to be a need for another crematorium to be built
3. The site is not seen as the right location for the development

It is odd to justify the development as a community resource when the overwhelming views expressed by the community are that the existing community leisure use for the site should be retained, when the community do not see the need for the new facility, and when the community do not consider this an appropriate location.

Need

The applicant does not provide a robust case to justify the need for a new crematorium in this part of the district. There is already significant nearby provision with the well-established Fenland crematorium in March along with the recently opened crematorium in Huntingdon. The catchment area identified by the applicant for potential crematorium locations is centred on Ely rather than East Cambridgeshire District. This results in significant overlap on the western side with areas served by the Fenland and Hunts Crematoria. This is particularly true for the Mepal outdoor centre location.

The planning application for the Huntingdon crematorium included a comprehensive needs assessment which was considered as part of the planning approval process. No similar needs assessment has been provided for this application, and yet establishing a robust case for the need for a new crematorium at this location is essential given the corresponding loss of outdoor leisure. The survey of funeral directors undertaken by the applicant elicited just 11 responses, with eight suggesting they would consider using alternative facilities in the area if they became available.

Transport

Transport implications, and particularly road safety issues, are of significant concern for this location. The applicant acknowledges that there will be a significant increase in traffic movements from the site compared to the existing approved use. The proposed cemetery and crematorium development will provide 123 parking spaces. There are an additional 28 car parking spaces near the cemetery area. The crematorium chapel will accommodate up to 125 people. There are no pedestrian or safe cycling routes to the site and the only public transport provision, a two-hourly bus service, is due to be withdrawn at the end of the month.

The transport assessment assumes there will be 15 vehicles associated with each cremation service with five services per day together with 27 other vehicles. This would be 102 vehicle arrivals and 204 two-way trips. The proposed Huntingdon crematorium is a similarly sized facility, however the transport assessment concluded that a figure of 23 vehicles would be more appropriate per cremation service together with 56 other vehicle movements. Given the assessment and justification in the Huntingdon transport assessment leading to a 50% higher figure, it would appear that the transport assessment for this application significantly understates the likely number of vehicle movements. To add further context, even with a generous vehicle occupancy figure of 3 people per vehicle, that would result in just 45 people by service on average or around 36% occupancy for a 125 people capacity chapel.

If the transport assessment data were to be aligned with the Huntingdon crematorium data and combined with the increased vehicle movements from the recent expansion of the neighbouring anaerobic digester plant then the currently proposed highway mitigations are likely to be inadequate and raise serious safety concerns.

Conclusion

In summary;

1. The applicant has failed to establish adequate justification to re-develop the site and, in so doing, to lose an opportunity to restore a previous well-loved community facility, and replace it with a commercial crematorium
2. There are significant traffic and transport issues on a stretch of road with a poor safety record. Traffic movements are already on the increase with the expansion of the neighbouring anaerobic digester plant and will be further exacerbated by the opening of the crematorium. Suitable active travel options are not available and public transport is being withdrawn.

TITLE: TERENCE PLACE, FORDHAM (16/01551/OUM and 18/01067/RMM)

Committee: Planning Committee

Date: 30 November 2022

Author: Director Community

[X118]

1.0 ISSUE

1.1 To consider variations to the Sections 106 Agreement for planning application 16/01551/OUM) Fordham Technology Centre 5 Station Road Fordham Ely, now called Terence place, Fordham. Such variations will enable the unfinished site to be completed.

2.0 RECOMMENDATION(S)

2.1 Members are requested to:

- i) Note the efforts of Officers to bring about a solution to the unfinished development at Terence Place, Fordham, specifically:
 - a. Inadequate drainage provision;
 - b. Unfinished roadways;
 - c. Off-site highways improvement; and
 - d. Incomplete landscaping

- ii) Instruct the Director Community to agree a Deed of Variation to:
 - a. Remove the obligation to deliver affordable housing as part of the development to enable the completion of works identified in i) a)-d); and
 - b. Remove the obligation to pay a public open space maintenance contribution to ensure that the area is maintained in perpetuity

2.2 Members are further requested to instruct the Director Legal to complete a separate legal agreement to ensure that the Council secures agreement that revenue released from the delivery of affordable housing will be used to address the issues identified in i) a)-d).

3.0 BACKGROUND/OPTIONS

3.1 Planning application 16/01551/OUM – “*Residential development for up to 27 dwellings (incl up to 5 self-build dwellings), garages, open space, new accesses onto Station Road, internal roads and associated works. Retention of existing B1 building and remodel access and parking*” was approved in July 2017. The Reserved Matters application was approved May 2019.

3.2 During 2022 Officers became aware that the developer experienced financial difficulties that resulted in the site being recovered by a Receiver, i.e. the developer became insolvent. Unfortunately, the developer became insolvent prior to development works being completed.

- 3.3 The following areas are incomplete, which are causing significant distress and concern to the residents, and need to be addressed:
- The pumping station requires works to increase the capacity
 - The making good of the internal site roads and provision of a pedestrian crossings
 - The landscaping of the of the area of open space
- 3.4 In addition there are outstanding planning conditions that need to be reviewed and discharged. The Case Officer is working with the Receiver to enable this.
- 3.5 Senior Officers have been working with the Receiver to bring about a solution that would enable the successful completion of this development.

4.0 ARGUMENTS/CONCLUSIONS

- 4.1 The Section 106 (S106) Agreement requires 40% (10 dwellings) of the total number of dwellings to be provided as on-site Affordable Housing. The affordable housing is currently vacant as the Receiver was unable to secure a Registered Provider to purchase the dwellings due to the incomplete nature of the development.
- 4.2 The open market dwellings are occupied and the issues, identified above, are causing significant distress to those residents. A particular issue relates to the drainage of the site; the developer installed a pumping station which is not fit for purpose and although the Receiver has made some improvements to the pumping station, the improvements are not sufficient to handle the current connections and will be exacerbated if other properties are connected to it.
- 4.3 In an attempt to find a financially viable way to complete the site, in September 2022 the Receiver approached the Council with a request to vary the current S106 agreement. The request arose from the need to unlock revenue to complete the site. In order to complete the site and resolve all of the issues identified, the Receiver requested that the Council consider converting the 10 affordable housing units to open market units. The Receiver supplied a financial assessment to support the request.
- 4.4 The Receiver's financial assessment stated that all of the affordable housing units would need to be converted to open market dwellings in order for sufficient income to be generated to enable discharge of the outstanding planning conditions and address the outstanding issues.
- 4.5 The Council commissioned an independent review of the financial information. The Council tasked the independent reviewer to test whether the development appraisal could accommodate any affordable housing, regardless of tenure.
- 4.6 The independent review concluded that due to the costs of the works required to complete the development, it was not possible to retain any affordable housing units of any tenure on site. In addition, there was no evidence to suggest that a clawback could be achieved if open market sales values were higher than those assumed in the development appraisal.

- 4.7 It is acknowledged that the provision of affordable housing is important to the Council and this is reflected in both National and Local Policy. That being said, the current situation at the site necessitates the need to consider whether the situation, evidenced with a financial appraisal, requires the Council to agree to the request for a variation to convert the affordable housing units to open market units.
- 4.8 It is worth noting at this point that the Receiver has no obligation to complete the development and has worked proactively with Officers to design a solution to ensure the identified issues are resolved.
- 4.9 In the event that the Council refuses the request then the Council will have lost the opportunity to bring about a solution that enables the completion of the site including fixing the sub standard pumping station, completing the road surfaces and crossing point and essential landscaping work.
- 4.10 Regretfully, despite the effort of both the Officers and the Receiver, there is no solution that enables both the delivery of affordable housing and completion of necessary works on site. Therefore only two options exist; allow the conversion of all affordable housing units on the site to open market which will enable successful completion of the site or continue with the requirement to secure affordable housing and leave the site incomplete with existing issues, which will worsen over time.
- 4.11 Officers recommend that the affordable housing is converted to open market housing to enable the identified issues to be resolved.
- 4.12 The S106 Agreement also stipulates that the on-site public open space should be transferred to the District Council. At the time of transfer there is also a requirement to pay a public open space maintenance contribution.
- 4.13 The Public Open Space is one of the issues on site that needs to be addressed. There will need to be an amended plan for the public open space scheme. It is currently proposed by the Receiver that the area will be landscaped but will not provide a play area. The development appraisal evidences that the cost of the play area is unviable and therefore the Council should focus on resolving the current state and forego the desire for a play area on the site. Further, whilst an allowance has been made to landscape the area there is no scope to secure the financial public open space maintenance contribution.
- 4.14 The site will generate a CIL liability of circa £265,000. 25% of this will be paid to Fordham Parish Council as the meaningful proportion (circa. £66,250). It would be within the gift of Fordham Parish Council to use its CIL receipts to provide a small play area on this site.
- 4.15 It should be noted that if the request to vary the affordable housing and public open space contribution is refused then the Council will be unlikely to recover the outstanding CIL liability of circa £165,000. If the variations are agreed then the CIL liability will increase to circa £265,000. This is because the affordable housing relief will be withdrawn. The Council cannot use CIL to pay for affordable housing.
- 4.16 On the matter of a maintenance contribution, the Council is again faced with two options for the site. Agree to adopt the public open space and forego the

future maintenance contribution or agree that the public open space should be transferred to a private management company for maintenance.

Please note that the Receiver is already working on a management company for the pumping station and if this is the option agreed then the public open space land will transfer with the pumping station.

- 4.17 Following discussions with the Open Spaces & Facilities Manager, it would not be a significant burden to maintain the site without a maintenance contribution, as long as the maintenance of the site is limited to grass cutting. The Council already has maintenance obligations in the vicinity of the site and as such the financial burden is reduced.
- 4.18 Officers recommend, for the reason stated above, that the land is transferred to the Council without a public open space maintenance contribution.
- 4.19 If Members are to agree to the recommendations of this report the Receiver has agreed to enter into any further legal agreements that may be required to ensure that the release of affordable housing will facilitate the successful completion of the site.

5.0 FINANCIAL IMPLICATIONS

- 5.1 There are no additional financial implications arising from this report. The conversion of the properties to open market dwellings will generate additional CIL income to the Council.

6.0 APPENDICES

- 6.1 None.

Background Documents

Confidential viability appraisals.

Location

Room 105
The Grange,
Ely

Contact Officer

Sally Bonnett
Director Community
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21/00535/FUM

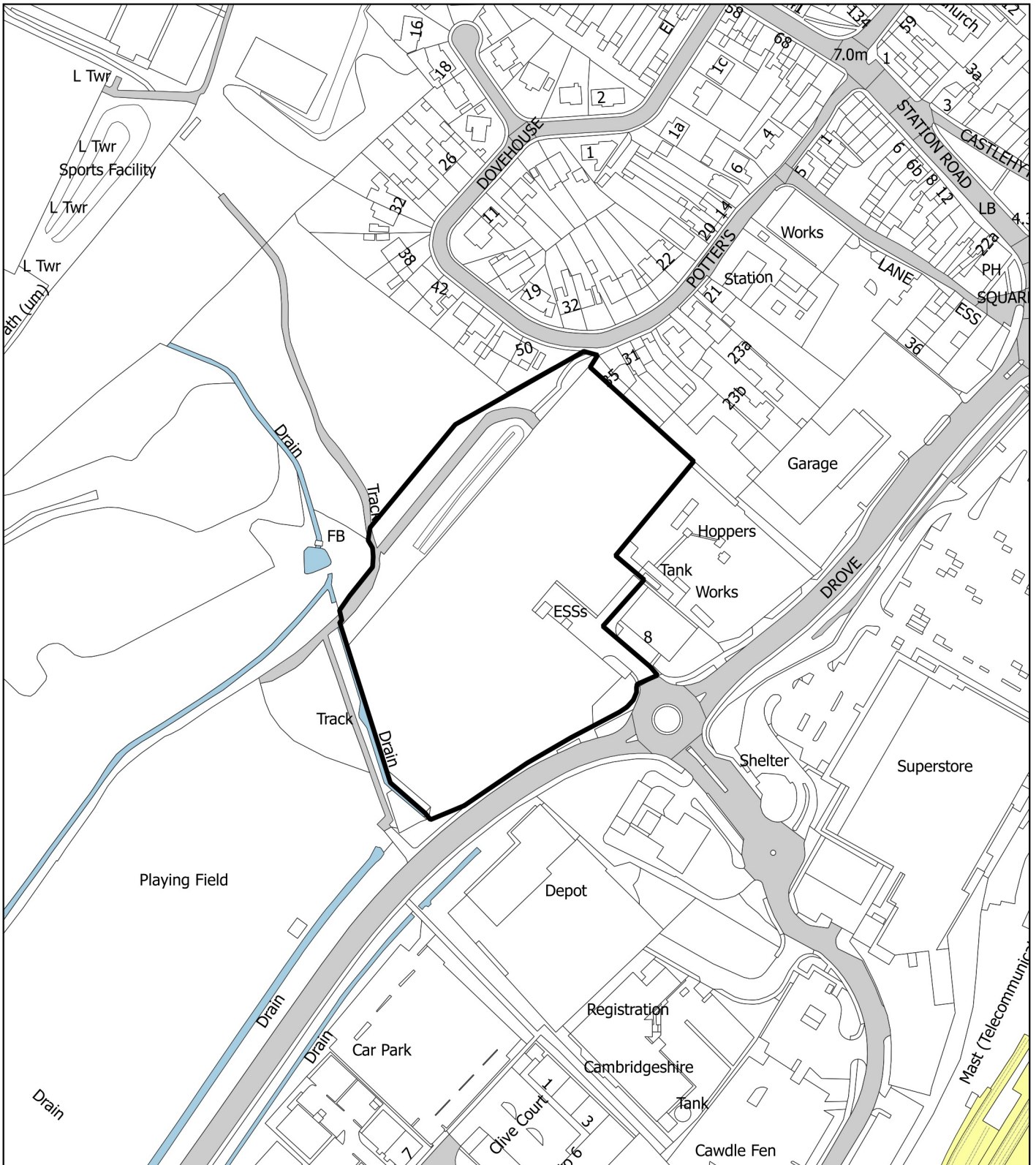
Land Opposite Roundabout
(Former Westmill Foods)
Angel Drove
Ely
Cambridgeshire

Mixed-use redevelopment comprising residential dwellings (Use Class C3), commercial floorspace (Use Class E) and associated landscaping and parking provision

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=QQW5N3GGHBB00>





21/00535/FUM

Land Opposite Roundabout
(Former Westmill Foods)
Angel Drive
Ely



East Cambridgeshire
District Council

Date: 22/08/2022
Scale: 1:2,500



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MAIN CASE

Reference No: 21/00535/FUM

Proposal: Mixed-use redevelopment comprising residential dwellings (Use Class C3), commercial floorspace (Use Class E) and associated landscaping and parking provision

Site Address: Land Opposite Roundabout (Former Westmill Foods) Angel Drove Ely Cambridgeshire

Applicant: CL No.2 Limited (Godwin Developments)

Case Officer: Anne James Planning Consultant

Parish: Ely

Ward: Ely West
Ward Councillor/s: Sue Austen
Paola Trimarco
Christine Whelan

Date Received: 1 April 2021 **Expiry Date:** 2nd December 2022
Report Number X119

1.0 RECOMMENDATION

1.1 Members are recommended to APPROVE the application subject to the signing of the S106 Agreement, the Applicant agreeing to any necessary extensions to the statutory determination period to enable completion of the S106 Agreement, and the draft conditions below, with authority delegated to the Planning Manager and the Director Legal Services to complete the S106 Agreement and to issue the planning permission. The recommended planning conditions can be read in full within Appendix 1.

1. Approved Plans
2. Time Limit
3. Site Characterisation
4. Submission of remediation Scheme
5. Implementation of remediation scheme
6. Unsuspected contamination
7. Piling
8. Construction Hours and deliveries
9. Construction Environmental Management Plan
10. PROW Corridor
11. External noise

- 12 Materials
- 13 Soft Landscaping
- 14 Written Scheme of Investigation
- 15 Broadband
- 16 Fire Hydrants
- 17 Electric Plug-in vehicle scheme
- 18 Roads, Footways and Cycleways
- 19 No gates, fences or walls
- 20 Turning of vehicles
- 21 Management and maintenance of streets
- 22 Footways on site access
- 23 Controlled crossing on Angel Drove
- 24 Footways on Angel Drove
- 25 Sustainability and Energy Strategy
- 26 BREAAAM
- 27 Preliminary Ecological Appraisal
- 28 External lighting
- 29 Hard landscaping
- 30 Bin and Cycle storage
- 31 Emergency accesses
- 32 Welcome Travel Packs
- 33 Surface Water Drainage Strategy
- 34 Management and maintenance of communal areas

1.2 In the event that the Applicant does not agree any necessary extensions to the statutory determination period to enable the completion of the S106 Agreement, Members are recommended to delegate authority to the Planning Manager to refuse planning permission on the basis of the absence of a necessary S106 Agreement.

2.0 SUMMARY OF APPLICATION

2.1 The original scheme proposed 116 dwellings, however, due to concerns identified with regard to highway safety, flooding/drainage and landscaping issues, amendments have been submitted and the scheme has now been reduced to 78 residential units of 'Build-to-Rent' accommodation as well as commercial office use, comprising the following:

26no 2 bedroom dwellings
 52no 3 bedroom dwellings
 1,845.5 sqm (19864sqft) of B1a (now classified as Class E) office accommodation

2.2 In terms of on-site parking, the scheme proposes:

- 78 with 7 visitor car parking spaces for residential use
- 17 car parking spaces and 3 disabled spaces for the commercial uses
- 2 cycle spaces per dwelling
- 66 cycle spaces for commercial units

2.3 The application is supported by the following documents:

- Air Quality Assessment
- Archaeological Evaluation Report
- Arboricultural/Tree Impact Assessment/Plan
- Design and Access Statement
- Biodiversity/Ecological Appraisal
- Biodiversity Impact Assessment
- Flood Risk Assessment/Drainage Strategy
- Heritage, Townscape & Visual Impact
- Landscape Stage II Strategy Report
- Noise Impact Assessment
- Phase 1 Geotechnical Report
- Planning Statement
- Statement of Community Involvement
- Sustainability Statement
- Transport Assessment/Travel Plan
- Financial Viability Assessment
- Addendum to Viability Assessment

2.4 The scheme proposes 78 Build to Rent (BTR) homes which would be owned and operated by one operator. The scheme also proposes approximately 1,845.5 sqm (19864sqft) office accommodation which would be aimed at Small Medium Enterprises (SMEs) and start-up businesses rather than one sole company using the space.

2.5 The scheme would not provide any affordable housing due to the unviability of the proposal. The applicant has submitted a Financial Viability Appraisal (FVA) and this has been independently assessed by the Council's consultant. A review of the FVA has also been undertaken and this has been independently assessed. A number of mechanisms are proposed and would be the subject of an s106 Agreement to ensure that a review is carried out if the scheme is not substantially implemented (eg: slab level on 10 plots) within two years. A late stage review at 75% of units being occupied has also been advised by the Council's independent Consultant which would reveal the final sales values and build costs.

2.6 The S106 Agreement would also require the following contributions/mechanisms:

- Education
- Libraries and Lifelong Learning
- Viability Review/Late Stage Review
- Mechanism to secure development as BTR
- Off-site biodiversity enhancement on CWS
- Off-site POS contribution
- Off-site Highway works
- SUDS
- Waste

2.7 The application is being considered by Committee in accordance with the Council's Constitution regarding developments of over 50 dwellings.

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

3.0 **PLANNING HISTORY**

3.1

21/00087/SCREEN	SCREENING OPINION - Proposed development of approx 107 dwellings, new commercial floorspace, access and associated amenity space, landscaping and car parking	Environment Statement not required	24.02.2021
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4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The application site comprises an irregular shaped area of previously developed land measuring 1.99 ha (4.7 acres) located to the north of Angel Drove. The site was previously occupied by agro-industrial buildings which were demolished in 2011 and the site has been cleared and levelled.

4.2 To the north of the site is the Angel Drove Drains County Wildlife Site (CWS) with an industrial and retail estate to the south of Angel Drove. To the north-east of the site is the residential edge of Ely whereas to the south-east is an industrial estate. The Ely City Golf course and playing fields abut the site to the west.

4.3 A Public Right of Way (PROW) abuts the site to the north connecting Potters Lane to the east with the playing fields to the west. However, this is not currently accessible from the site.

4.4 A screen of trees and vegetation bound the site along the shared 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 – 9th August 2022

The City of Ely Council objects to the application until the Lead Local Flood Authority is content with the information supplied by the developer

29th June 2022 -

No objection

17th May 2022 –

Previous comments apply.

22nd March 2022 –

No concerns with regards to this application.

28 April 2021

The City of Ely Council approves the application in principle but is concerned about the encroachment of the development over the right of way and into the valuable green space.

Ward Councillors - No Comments Received

Consultee For Other Wards In Parish - No Comments Received.

Anglian Water Services Ltd – 11th March 2022

See Comments on 1st July 2021

1st July 2021

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

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

Discussions have taken place with the developer around the ownership of the foul sewer and associated foul pumping station on site. These sewers remain under private ownership and were not automatically adopted by Anglian Water under the private sewer transfer. We are unable to agree a connection to a private sewer, the developer will need to seek the permission of the current sewer owner. We have provided alternative connection points to the public foul sewer at manholes 1701 and 0602. We require the submission of a strategy with confirmation of either connection to the private sewer or public sewer at manhole 1701 or 0602. We therefore request a condition requiring an on-site drainage strategy.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. Anglian Water has reviewed the submitted documents (Flood Risk Assessment) and can confirm that these are acceptable to us. We require these documents to be

listed as approved plans/documents if permission is granted. Note to applicant – Surface Water Hierarchy evidence will need to be submitted at 106 application stage.

The Ely Group Of Internal Drainage Board - 6 May 2021

The Consulting Engineer for the project have been in contact with the Board and they are currently applying for byelaw consent for the buildings adjacent to the Board's Catchwater Drain.

The Board understands that surface water will discharge downstream of the Board's District, so there will be no effect on our system.

The Flood Risk Assessment implies that surface water will discharge to an Anglian Water sewer. However, the Board believes this is called Cawdle Fen Pipe Drain and is an Environment Agency Main River.

Environment Agency –14th July 2021

No comments to make

25th June 2021

No comments to make on this planning application.

Natural England - 21 April 2021

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

NHS England –

No comments received.

CCC – Archaeology – 8th July 2022

The impacts of previous developments, in particular the industrial units which appear on the O.S. 1978 map, are likely to have affected the survival of sub-surface archaeology. For this reason I can confirm that we no longer consider our recommendation for archaeological evaluation prior to grant of planning permission to be necessary. A condition securing archaeological works would in this case be more appropriate.

CCC - Education – 23rd March 2022

Request contribution towards Early Years Education and Libraries.

5 May 2021

No objection subject to contribution towards early years education, libraries and lifelong learning.

CCC - Design Out Crime Officers – June 2021

I can confirm this office has reviewed the above application in terms of community safety and reducing vulnerability to crime. It is noted that the Design and Access Statements have not mentioned crime prevention for this proposal which considering the scale of the development with office accommodation, residential homes and several apartments included and a large area of open space development is disappointing. NPPF Section 8 Promoting healthy and safe communities under 91 (b) states 'achieve healthy, inclusive and safe places so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion – through the use of clear and legible pedestrian routes, high quality public space, to encourage active and continual use of public areas. Section 127 (f) also states that to create spaces that are safe, inclusive and accessible which promote health and well-being and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

I am supportive of the proposed layout but I would like to be consulted when an external lighting plan is available for the site. I am pleased to note that Built to Rent properties will be managed as other Forces have reported back to me that without a clear management protocol in place they do see issues with anti-social behaviour. I would also like to see details of access control for the apartment blocks – developments of over 25 flats, apartments, bedsits or bedrooms can suffer adversely from anti-social behaviour due to unrestricted access to all areas and floors of the buildings. This office is happy to be consulted and advise as this proposal progresses.

I consider that this proposed layout should provide a high level of natural surveillance. Permeability limited away from access to rear of properties which encourages a high level of territoriality amongst residents deterring the searching/distraction behaviour that targets vulnerable or elderly occupants. Design and layout of the public space areas should allow for natural surveillance in their immediate area which also increases their use by residents and visitors. Communal areas, such as playgrounds, toddler play areas, seating facilities and youth shelters have the potential to generate crime, the fear of crime and anti-social behaviour. They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go with a programme in place for landscape management. The boundary between public and private space should be clearly defined and any open space should include features that prevent unauthorised vehicular access. Again this office is happy to be consulted in regards to this area's design.

The gated entrances to the rear alleyways that allow residents to access bins and rear of properties should have locks to the individual gardens. There is not a requirement to have locks on the front entrance along the building line. Experience shows they are often left open as no resident wants to take responsibility. I would prefer to see closures on these gates.

Cambridge Ramblers Association - No Comments Received

Cambs Wildlife Trust – 11th March 2022 (comments on amended scheme)

I have reviewed the updated biodiversity report and Defra Biodiversity Metric dated February 2022 and the submitted ecological management plan. The submitted Biodiversity Net Gain (BNG) assessment provides an accurate representation of the baseline conditions of the application site and appropriate predictions for the post-development biodiversity value. These results show a 10.99% loss in habitat Biodiversity Units and a significant net gain in hedgerow Biodiversity Units. Guidance on use of the Defra Metric makes it clear that habitat units and hedgerow units should not be compared to each other and the aim should be to achieve a gain in both. Likewise measures included in scheme to support individual species should be considered separately. The proposed development therefore does not demonstrate a net gain in biodiversity, however, in this case I acknowledge that the site was until recently occupied by derelict buildings which have since been removed. This factor alone mitigates against the net loss in habitat biodiversity units, because if an assessment had of been undertaken prior to removal of the buildings, the current proposed scheme may well have shown a net gain in habitat units. The biodiversity report also recommends provision of a number of other urban habitat features such as bat and bird boxes, hedgehog homes and reptile and amphibian hibernacula. These could be supplemented with the provision of hedgehog holes in fences between gardens and possibly changing some of the proposed bat boxes on trees with integrated bat bricks built into the new dwellings, where there are appropriately sited houses. These should be secured by way of planning conditions. The Ecological Management Plan submitted with the application provides a reasonable basis for implementing the proposed biodiversity measures and its implementation should be secured by way of an appropriately worded planning condition. My only other observation, is to express my continued disappointment that the current application is not providing for enhanced management of the adjacent County Wildlife Site (CWS), as set out in my previous comments on this application. As the CWS will undoubtedly be used by the new residents, it will receive an increase in recreational visits as well as likely increased disturbance and predation from the new occupiers pet dogs and cats. Enhancement of the CWS would help to demonstrate a clear and unequivocal net biodiversity gain and provide an enhanced green infrastructure asset for the new residents and existing community

23 April 2021

The submitted ecological report covers all the relevant species issues and makes appropriate avoidance, mitigation and enhancement recommendations, in respect of species.

The proposals include the creation of public open space and making use of the existing wooded vegetation along the northern edge of the site. However, this will potentially reduce the value of those habitats for wildlife, as more formal and intensive management is likely to be required to create suitable natural play spaces. While the natural play approach is welcome, there are opportunities to create biodiversity enhancements on the other adjacent land within the applicant's ownership, to offset any small losses from recreational use and disturbance.

An ecological management plan is proposed by way of a planning condition, to deliver the ecological mitigation and enhancement measures identified. However, overall the current proposals do not provide sufficient by way of biodiversity enhancement. In particular, no proposals or commitments are made with respect to the adjacent County Wildlife Site, which is also in the ownership of the applicants, other than it will not be directly impacted by the development. This is a significant missed opportunity that should be remedied.

This application provides the ideal opportunity to secure a favourable management regime and sustainable long-term future for the County Wildlife Site, but to also incorporate it into the proposed development as an area of natural greenspace, for the benefit of people and wildlife. Such an approach would also enable the applicants to better demonstrate a biodiversity net gain in accordance with planning policy and the ECDC Natural Environment SPD (Sept 2020). The application should therefore integrate the County Wildlife Site into the development proposals, to secure its long-term future as a natural greenspace for the residents of this development and beyond to enjoy.

If planning permission is granted, the recommendations in the ecological report should be secured through the use of appropriately worded planning conditions. However, in addition, a plan for the long-term protection and sustainable management of the County Wildlife Site should be brought forward. The design and access statement should be updated, as should the submitted landscape plans to set out how this will be achieved. The proposed ecological management plan should also incorporate positive management of the adjacent County Wildlife Site, for the benefit of biodiversity and new and existing residents, and set out how these will be delivered over the long-term (at least 30 years, though ideally in perpetuity).

CCC - Asset Information Definitive Map Team - 7 May 2021

The application proposes to divert and subsume the public footpath into the Non-Motorised User (NMU) network along the northern boundary of the development. The County Council's PRow service has no objection to the principle of what is proposed. The Transport Assessment and associated plans indicate that this corridor to Potters Lane will be improved to provide pedestrian and cycle connectivity. As the existing highway is currently recorded as a public footpath only, the provision of cycling connectivity will necessitate a legal change to the highway status.

It is further noted that the County Council will require additional information of the proposed specification of the diverted path and its associated infrastructure (signs, fencing, gates etc). The County Council's PRow service is content for these details to be provided via a condition.

CCC - Local Highways Authority – 6th May 2022 - No objection

Access & Off-site mitigation The roundabout design and that of the Angel Drove crossing and shared path, as shown on the drawing 001847-JPL-ZZ-DR-D-2015 Revision C08, have been amended to address my previous comments. This and the supporting vehicle tracking demonstrate that the proposals are acceptable. However, A Stage 2 Road Safety Audit is required at detailed design post planning which may result in minor refinement of the proposed scheme. I have no objection to the access proposals and recommend that the works on Angel Drove be fully implemented prior to first occupation of the site. Some minor refinement may be needed during detailed design post-planning (as part of the S278 process). Layout The revised site layout supported by drawing 001847-JPL-ZZ-ZZ-DR-D2005 Revision C01, addresses my previous comment.

Conditions required with regard to all roads, footways and cycleways to be constructed to at least binder course; no gates, fences or walls to be erected across vehicular access; sufficient space for vehicles to manoeuvre and future management and maintenance of proposed streets.

22nd March 2022 –

Roundabout design and vehicle tracking area acceptable.

Offsite mitigation: The two-lane approach to the zebra crossing from the north does not facilitate safe pedestrian crossing. A D-shaped island should be included within the hatching on both the north and south of the crossing with repeater Belisha beacons and keep left bollards. The island should be 2m wide to provide adequate pedestrian refuge. Vehicle tracking will be needed to demonstrate that the Zebra crossing would not prevent right turn movements out of the industrial access immediately to the north. The proposed Zebra crossing on Angel Drove will require a Stage 1 Road Safety Audit and refinement of road markings (in particular the zig-zag markings) but the later can be done at detailed design post planning. I note ongoing dialogue with the County's Transport Assessment team regarding the provision of a shared use path along Angel Drove connecting the development to Station Road. Should such infrastructure be required, the proposed Zebra Crossing would need to be amended to a Parallel crossing in order to negate the need for cyclists to dismount.

Layout: The removal of the apartment buildings and replacement with terraced housing (Plots 59-78) results in stretches of continuous parking to the rear of the footway. This means that the footway will be dropped for a long length with no opportunity to raise it to full height between parking spaces. This footway therefore offers very limited protection to pedestrians and the design encourage vehicle over-running. I recommend that parking be staggered so that there are gaps where a full height footway can be re-instated (as per the road serving Plots 09-17). In any case, the parking to the front of Plots 07, 72 & 73 is not acceptable as it provides drivers with the opportunity to turn into or out of the adjacent shared private road quickly and at a shallow angle, risking collision with passing pedestrians. Three full height kerbs should be included between the private access and the nearest parking space. This amounts to approximately 4.6m (incl. dropper kerbs on either side). Otherwise, the layout is acceptable.

Vehicle Tracking The proposed use class of the commercial building is Class E which is unlikely to generate trips from large vehicles. Tracking has been provided which demonstrates turning for a car within the commercial car park, but no supporting information has been provided to demonstrate how the building will be serviced. **Visibility** The layout achieves appropriate visibility as shown on the drawing 001847-JPL-ZZ_ZZ-DR-D-2011 Revision C05.

Surface Water Drainage Private attenuation tanks are provided throughout the site. These tanks should not be placed within 5m of any adoptable highway. If the applicant is unable to achieve this offset, they will need to provide certainty during the Section 38 process that the tanks will not destabilise the highway proposed for adoption during operation, maintenance or replacement.

3rd August 2021

Do not consider the revised submission to be acceptable on safety grounds. There are also additional items which will limit the ability of Cambridgeshire County Council to adopt on-site infrastructure in the future.

7th June 2021

General Comments

The application in its current format lacks sufficient technical information to provide a meaningful response. I will require additional information including:

- A fully dimensioned and annotated plan showing the width of carriageways, footways, shared use paths (if there are any) and junction radii.
- Points of reference to enable me to provide comment more easily and accurately e.g. plot numbers or road references.
- A visibility plan (see detail below).
- A plan of proposed adoptable highway. All adoptable highway will need to be designed in line with Cambridgeshire County Council's Housing Estate Road Construction Specifications (HERCS). Although adoption agreements sit outside of planning, please note that aspects which impact upon adoptability can have knock on implications for planning e.g. highway gradients changing building heights.

Access & Off-site mitigation

The proposed changes to the access roundabout as shown on drawing 1718/05 Revision A within the Transport Assessment will need to undergo a Stage 1 Road Safety Audit. The existing roundabout arm which is proposed as the junction access will experience a notable intensification of use as a result of the development and the nature of traffic will also change. Furthermore, as the access is proposed to be re-aligned it will alter the swept path of vehicles entering and exiting the development. All of this can impact upon highway safety.

It is unclear why a new uncontrolled pedestrian crossing is proposed on the south-western arm only and not on the site access or the north-eastern arm. I would like to ask the applicant what the anticipated pedestrian desire lines are. If the crossing provision is placed remote from pedestrian desire lines, the risk of pedestrians crossing Angel Drove in an unsafe manner may increase.

For a development of this size a second emergency access point of 3.7m – 4.1m is needed in case the sole vehicular access is blocked. This access can function as a

If Cambridgeshire County Council's Transport Assessment deem off-site highway mitigation to be required, then detail should be submitted as part of the planning application. The Transport Assessment shows potential improvements to the A10 / A142 / Cambridge Road roundabout but it's unclear if they are proposed for approval or for information. Such mitigation would also require a Stage 1 Road Safety Audit.

The Definitive Map Officer will need to be consulted regarding the impacts of the development on the existing Public Right of Way (Footpath 76/41) which is proposed as a pedestrian connection to Potter's Lane.

I also note that there are no proposals for dedicated cycle access. The LPA should consider if this aligns with Local Plan policy.

Layout & Tracking

The priority at the first junction after entering the site is unclear. The junction geometry implies that the straight-ahead movement has priority while the indicative surface treatment implies that left turn on entering the site or right turn on existing the site has priority. The design needs to be amended to make the priority clear to road users.

For the Local Highway Authority to consider adoption of any new highway, the dimensions set out below should be adhered to.

- Traditional Street
 - o 5.5m carriageway
 - o 2m footways
- Shared Surface
 - o 6m shared space (with ramp and footway transition)
 - o 0.5m maintenance strips (this includes a 0.5m maintenance strip between carriageway and privately maintained parking bays).
- Maximum junction radii – 6m

Please note that the carriageway width of a traditional street can reduce to 5m where fewer than 100 homes are served from the street and where vehicle tracking allows. The above dimensions will apply to the shared accesses to the apartment buildings.

Turning heads are required within 20m of the end of any estate road, or in advance of the commencement of a shared surface street. The 20m distance is measured to the centreline. The turning head lengths in the west and east of the site appear to be in excess of 20m.

The Local Highway Authority will not adopt estate roads which solely serve the proposed commercial premises. Therefore, the road spur which provides access to the parking bays outside the commercial premises would not be adoptable, meaning a turning head is required as part of the adoptable highway which serves

the nearby residential dwellings. It is also unclear how these units will be serviced. Please provide vehicle tracking showing servicing arrangements.

The layout on drawing 100-644/(P)102F shows some indicative highway surface treatment. Generally speaking, it is preferable to place contrasting surface materials at locations of activity (e.g. junctions or bends) rather than on straight sections to encourage slow vehicle speeds.

A vehicle tracking plan for a refuse vehicle has been provided (100-644/(P)106C) but it is unclear what the specifications are for the traced vehicle. The applicant will need to add this information and confirm that the vehicle used is as per ECDC waste team's requirements.

There are some buildings on the submitted plans which lack annotation, but it is presumed that are a sub-station or similar. If so, please clarify how said buildings will be serviced in a safe manner.

Visibility

No detail has been provided regarding highway visibility within the site (or at the modified access roundabout). I require a visibility plan containing the information set out below.

All new estate roads should have a 20mph design speed. As such the Stopping Sight Distance (as per Manual for Streets) for this road is 25m. All priority junctions should therefore have a 25m inter-vehicle visibility splay (y-distance) measured from a 2.4m setback. Where carriageway sits outside the visibility splay on the nearside, a tangential visibility from a 2.4m setback should also be shown. These inter-visibility requirements are also needed for the access to shared drives and the apartment buildings.

Where there is a sharp change in a carriageway's horizontal alignment, a forward visibility should be shown for a 25m SSD to ensure drivers can see obstacles in the carriageway (e.g. people) with sufficient time to stop. Guidance for measuring forward visibility is available in Manual for Streets.

All land which falls within an inter-vehicle visibility splay will need to form part of the public highway if the roads are to be adopted.

A 2m x 2m pedestrian inter-visibility splay is required at all private drives, shared drives and parking spaces which front onto adoptable highway (note that the splays themselves do not need to be adoptable but must remain clear for the lifetime of the development). This visibility will be measured to the nearside of the footway (or carriageway if no footway is present) and be maintained clear and unobstructed from a height of at least 0.6m.

Surface Water Drainage

The submitted documents do not specify how highway surface water is to be drained. I will require a plan/strategy setting out the drainage proposals which also includes means of preventing private surface water from entering the adoptable highway. Please note that adoptable highway surface water systems may not discharge directly to any private SuDS system. Accordingly, the intervening piped system must be adopted by the local drainage authority to enable the adoption of the adjacent streets to be undertaken.

CCC - Highways Transport Team – 12th April 2022 (comments on amended scheme) – No objection

These comments are provided in response to the additional information produced by Jackson Purdue Lever (JPL) to accompany the revised planning application for the mixed-use development comprising 78 residential dwellings and 1,092sqm of B1 office use on land off Angel Drove, Ely.

Transport Assessment Review

Site Access and Layout Site access, internal layout and servicing details are to be agreed with Highways Development Management who will provide separate comments.

Trip Generation

The total development is anticipated to generate 76 two-way vehicle trips in the AM peak (51 residential and 25 commercial) and 68 two-way vehicle trips in the PM peak (40 residential and 28 commercial).

Traffic Impact Assessment

The junction capacity assessments undertaken for this application are acceptable for use. It is noted both the Site Access roundabout and the Ely Southern Bypass roundabout are anticipated to operate within capacity under all assessment scenarios. Whilst the A10/Cambridge Road roundabout is anticipated to operate over capacity under all scenarios in the PM peak, the development is anticipated to have negligible impact to capacity at this junction adding worst case 1 vehicle and 3 seconds to queues.

Mitigation The following mitigation packaged proposed by the developer is acceptable:

- 2m wide footways to be delivered on both sides of the site access road and widening of the splitter islands on the site access arm and western arm of the site access roundabout. Dropped kerbs and tactile paving to also be delivered on the splitter island across the site access arm
- A controlled crossing in the form of a zebra crossing to be delivered across Angel Drove east of the site access roundabout to intersect the desire line for Tesco and Ely Station
- Pedestrian and cycle access from the site to Potters Lane via the diverted PROW No.41
- A shared use footway/cycleway of 3m in width (where possible within the highway boundary) to be delivered on the southern side of Angel Drove between Station Road and the zebra crossing to be delivered as part of the proposals. The existing footway on the northern side of Angel Drove between the site access and zebra crossing is to be widened to 2m in width
- Travel Plan

The Travel Plan will be subject to a condition should approval be given. This should include suitable measures and incentives inclusive of bus taster and/or cycle discount vouchers to promote sustainable travel and reflect the existing location of the site within vicinity of Ely Railway Station. Conclusion

The Highway Authority do not object to the proposals subject to the following:

1. Prior to first occupation of the development, the developer shall be responsible for the provision and implementation of a Travel Plan to be agreed in writing with

the Local Planning Authority. The Travel Plan shall include bus taster tickets and/or cycle discount vouchers. The Travel Plan is to be monitored annually with all measures reviewed to ensure targets are met.

2. Prior to first occupation of the development, the developer shall deliver the off-site highway works as shown indicatively in drawing no. 2015 Rev C07. Detailed design of the works to be agreed in writing with the Local Planning Authority

11th March 2022

Baseline Traffic Data

The AM peak counts are similar and thus acceptable for use within this assessment however, to PM peak counts are 13.9% lower between 2019 and 2021. To take into account both the impact of Covid on baseline traffic counts and changing working patterns, the June 2021 PM peak baseline counts have been uplifted by 10%. This is agreed.

Traffic Impact Assessment –

It is noted given the development will generate an increase in traffic of 30+ vehicle movements at the Site Access roundabout, the A142 Angel Drove/Ely Southern Bypass roundabout, and the A10 Cambridge Road/A142 Angel Drove roundabout, a detailed junction capacity assessment has 3 been carried out for these junctions. This approach is agreed. The junction capacity assessments undertaken for this application are acceptable for use.

Mitigation –

The developer proposes the following mitigation package to mitigate the development: 2m wide footways to be delivered on both sides of the site access road and widening of the splitter islands on the site access arm and western arm of the site access roundabout. Dropped kerbs and tactile paving to also be delivered on the splitter island across the site access arm A controlled crossing in the form of a zebra crossing to be delivered across Angel Drove east of the site access roundabout to intersect the desire line for Tesco and Ely Station Pedestrian and cycle access from the site to Potters Lane via the diverted PROW No.41 Travel Plan As previously mentioned, the pedestrian and cycle link to be delivered within the site to Potters Lane via the diverted Footpath No.41 should be of minimum 3m in width.

Furthermore, the proposed zebra crossing should be subject to a Stage 1 Road Safety Audit with the outcome agreed prior to determination of this application. Additionally, as previously mentioned, a shared use footway/cycleway of 3m in width (where possible) should be delivered on Angel Drove between the site and Station Road to enable future residents and staff to cycle to and from Ely Station separate from the Angel Drove carriageway. To facilitate cycle trips into the site, a short length of shared path would also be needed on the northern side of Angel Drove between the crossing and the site access.

18th August 2021

The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. In particular:

Baseline Traffic Data where the PM peak counts are 13.9% lower between 2019 and 2021. Therefore, to take into consideration the impact of Covid, the June 2021 PM peak baseline counts should be uplifted by 13.9%.

Traffic Impact Assessment - modelling for the A10/Cambridge Road roundabout considers the WSP improvement layout supposedly secured as part of the permitted Octagon Park development. Following a review of the Octagon Park development permission, no such scheme was secured as part of the proposals and there is no scheme in place or proposal to improve capacity at this roundabout. Therefore, the modelling of this roundabout should be revised to incorporate the existing junction layout.

Mitigation - At this stage, with no agreement on what impact the development will have on the surrounding highway network, it is not possible to determine what further mitigation if required, is needed to make the development acceptable. Once the full impact of the development is known, mitigation measures can be assessed.

Were the above issues addressed the Highway Authority would reconsider the application. The Highway Authority therefore requests that this application not be determined until such time as the additional information above has been submitted and reviewed

6 May 2021

The document reviewed is the Transport Assessment dated March 2021 produced by Jackson Purdue Lever (JPL) to accompany the planning application for the mixed-use development comprising 116 residential dwellings (57 houses and 59 apartments) and 1,060sqm of B1 office use on land off Angel Drive, Ely.

Highway Network

The audit of the surrounding highway network is acceptable for use. It is noted Angel Drive is a single carriageway road subject to 30mph in the vicinity of the site. The following study area included within the assessment is agreed:

- o SJ1 - Site/A142 Angel Drive/The Dock roundabout
- o SJ2 - Back Hill/A142 Bridge Road/A142 Angel Drive mini-roundabout
- o SJ3 - A142 Angel Drive/Ely Southern Bypass roundabout
- o SJ4 - A10 Cambridge Road/A142 Angel Drive roundabout

Accident Data

The latest available 60 months accident data obtained from the County Council has been provided for the study area. This is acceptable for use within this assessment. No accident cluster sites have been identified.

Baseline Traffic Data

Given Covid prevented new traffic surveys from being undertaken at the time of writing the TA, traffic count surveys undertaken on 6th May 2016 for junctions SJ1, SJ2, and SJ4 have been used within this assessment. It is noted baseline traffic data has not been obtained for SJ3 in 2016 as the Ely Southern Bypass was not constructed at the time of the 2016 surveys. It is unclear what baseline data has been used within this assessment to obtain baseline traffic flows for SJ3. It should

be noted that the Highway Authority are now accepting new traffic surveys in exceptional circumstances where suitable alternative baseline data is not available. The 2016 baseline data used within this assessment is not acceptable for use as it is 5 years old and was obtained prior to construction of the Ely Southern Bypass which itself has changed traffic flow characteristics on Angel Drive. Whilst, a reduction factor has been applied to the 2016 survey data to consider the Ely Southern Bypass, given the Bypass is now constructed, new traffic surveys would obtain baseline data that is more representative of traffic movement characteristics associated with the Bypass. New traffic surveys should therefore be undertaken at all junctions included in the study area in a neutral month avoiding school holidays and roadworks as per DfT Guidance. The Highway Authority therefore request that the developer undertakes new traffic surveys to obtain turning count and queue length data for use within this assessment. All raw survey data should be appended to TA for review.

Walking and Cycling Accessibility

It is noted several key facilities and amenities are located within acceptable walking and cycling distance to the site.

It is noted footways are present on both sides of Angel Drive within the vicinity of the site. The widths of these footways should be outlined within the TA. A splitter island with dropped kerbs facilitate pedestrian crossing across the site access arm of the Site access/Angel Drive/Tesco access roundabout. A staggered crossing point with tactile paving and guard rails also facilitates pedestrian crossing on the Tesco arm of this roundabout. There are no pedestrian crossing points on the Angel Drive arms of this roundabout. It is noted there is no identifiable crossing on Angel Drive east of the site within the vicinity of the access roundabout. At the Angel Drive/Back Hill roundabout, a staggered crossing with guard rails facilitates pedestrian crossing across Angel Drive. A staggered pelican crossing is also situated circa 55m south of this roundabout to facilitate crossing across Station Road. It should be outlined within the TA what pedestrian crossing points across Station Road are present north of the Back Hill roundabout on the pedestrian desire line into Ely city centre and facilities in eastern Ely. It is noted the majority of cycle trips within Ely use on the road routes.

Public Transport Accessibility

The closest bus stop to the site is located within the Tesco supermarket circa 170m from the site centroid. Two further bus stops are situated on both sides of Angel Drive circa 400m north of the site. The bus stop in the Tesco supermarket serves the 9, X9, 125, and Ely Zipper services whilst the bus stops on Angel Drive serve the 12 and 117 bus services. The 9, X9, and 12 services operate between Ely and Cambridge Monday to Saturday at an hourly frequency, the Ely Zipper provides services between Ely and Haddenham, Wilburton and Stretham at an hourly frequency with 11 trips per day, whilst the 117 and 125 services operate on a less frequent basis. The existing infrastructure available at these bus stops should be detailed within the TA. There are no pedestrian crossing points across Angel Drive within the vicinity of the bus stops on Angel Drive. It is noted 2m wide footways will be delivered on both sides of the site access road in addition to dropped kerbs and tactile paving on the existing splitter island (which will be widened) on the

southwestern arm of the site access roundabout to facilitate crossing of Angel Drove and access to the Tesco bus stop from the development site.

Ely Railway Station is the nearest train station to the site situated circa 450m east of the site. The station provides services to destinations including Cambridge, Kings Lynn, Peterborough, and London Kings Cross. The station comprises 143 car parking spaces and 330 cycle parking spaces.

Development Proposals

The development proposals comprise the erection of 116 residential dwellings inclusive of 57 houses and 59 apartments in addition to 1,060sqm of B1 office use.

Site Access and Layout

Vehicular access into the site is proposed to comprise an extension to the existing access road into the site off the Site/A142 Angel Drove/The Dock roundabout. It is noted footways will be provided on both sides of the access road extending into the site connecting to the existing footway provision on Angel Drove. The widths of these footways should be outlined within the TA. The access proposals also comprise a second point of pedestrian and cycle access into the site via Potters Lane/Dovehouse Close. The existing splitter island with dropped kerbs across the access arm of the site access roundabout should be widened and upgraded with tactile paving to facilitate safe crossing across the access road.

Site access, internal layout and servicing details should be agreed with Highways Development Management who will provide separate comments.

Parking Provision

Car parking provision for the development is noted to comprise 111 spaces for the residential development (57 bays for the houses, 48 bays for the apartments, and 6 visitor bays), and 17 spaces for the commercial development (14 standard bays and 3 disabled bays). Such provision is far less than the parking provision calculated using the standards listed in the East Cambridgeshire Local Plan (2015) which would seek provision for 325 spaces (232 residential spaces, 58 visitor spaces, and 35 office spaces). The reduced parking provision has been determined in consideration of the site's location close to Ely Railway Station and a range of local amenities.

Cycle parking provision is noted to exceed the cycle parking standards listed in the East Cambridgeshire Local Plan. Cycle parking provision is noted to comprise 66 spaces for the commercial development, 64 spaces for the apartments, and 144 spaces for the houses. It is noted all cycle parking will secure and covered.

It is ultimately up to the Local Planning Authority to agree the car and cycle parking provision for the development.

Committed Developments

The following committed developments were requested for inclusion within this assessment during pre-application discussions:

- o Angel Drove industrial (Octagon Park Phase 1)
- o Lancaster Way Business Park, Witchford
- o North Ely

- o Mepal Road, Sutton
- o Grange Lane, Littleport

It is noted that JPL have considered most of these developments within this assessment as background traffic growth using the National Transport Model (NTM) growth factors on the basis that the East Cambridgeshire 003 and 004 MSOA's estimate a total of 2,191 new dwellings and 599 new jobs between 2016 and 2028. This is not agreed. Evidence needs to be provided that TEMPRO has got all the above committed development included within it, if evidence cannot be provided then all committed developments needs to be included within the assessment. Committed development traffic flows should be obtained from the latest TA documents for each site and committed development traffic flow diagrams should be appended for the Highway Authority to review.

Assessment Scenarios

As per our Transport Assessment Requirements (2019), the assessment should consider a base year, future year (year of full occupation), and design year (5 years post full occupation). The following assessment scenarios should be modelled for the weekday AM and PM peak periods:

- o 2021 Base Year (2021 baseline survey data)
- o Future Year (year off full occupation) = 2021 Base + TEMPRO Growth + Committed Development + With/Without Development
- o Design Year (5 years post completion of development) = 2021 Base + TEMPRO Growth + Committed Development + With/Without Development

Background traffic growth should be calculated using the latest TEMPRO software as per our pre-application guidance. The inputs entered into TEMPRO must be appended to the TA for the Highway Authority to review before the growth factors can be agreed.

Trip Generation

TRICS total person trips in conjunction with 2011 Census mode share data for the East Cambridgeshire 004 MSOA has been used to determine the multi-modal trip generation for the development. The methodology used to determine the development trip generation is agreed. Full TRICS outputs have been appended to the TA.

The total development is anticipated to generate 89 two-way vehicle trips in the AM peak (65 residential and 24 commercial) and 85 two-way vehicle trips in the PM peak (58 residential and 27 commercial).

Whilst multi-modal trip generation for the development has been calculated, trip generation by mode for the proposed development should be outlined within the TA.

Trip Distribution and Assignment

Development traffic has been distributed and assigned onto the surrounding highway network using 2011 Census 'Journey to Work' data for the East Cambridgeshire 004 MSOA. This is agreed. It is anticipated 29.5% and 28.8% of residential and commercial development traffic respectively will travel to/from Angel Drove (E), and 68.8% and 69.6% of residential and commercial development traffic respectively will travel to/from Angel Drove (W) in the peak periods.

Traffic Impact Assessment

It is noted given the development will generate an increase in traffic of 30+ vehicle movements at SJ1, SJ3, and SJ4, a detailed junction capacity assessment has been carried out for these junctions. This approach is agreed.

The traffic impact of the development cannot be reviewed until such a time as the Highway Authority are satisfied with the baseline traffic data, future assessment year scenarios, TEMPRO growth factors, and committed development flows submitted within this assessment. The junction capacity assessments will need revising to consider the above. Traffic flow diagrams will also need revising for each assessment scenario in consideration of the above.

Junction modelling should be undertaken using Junctions 9 ARCADY software with a DIRECT profile type as this will give the most accurate results and does not rely on assumptions to be made. Full ARCADY outputs should be appended to the TA for review. Furthermore, a scale topographical drawing should be also be submitted for each junction showing the geometric measurements for each of the junctions assessed for the models to be checked.

Mitigation

At this stage, with no agreement on what impact the development will have on the surrounding highway network, it is not possible to determine what mitigation is needed to make the development acceptable. Once the full impact of the development is known, mitigation measures can be assessed.

Travel Plan

The Highway Authority have not reviewed any detail of the Travel Plan at this stage. This should include suitable measures and incentives inclusive of bus taster and/or cycle discount vouchers to promote sustainable travel. Travel Plan targets should be SMART and be reflective of the existing location of the site within vicinity of Ely Railway Station. The Travel Plan will be subject to a condition should approval be given.

Conclusion

The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed the Highway Authority would reconsider the application.

The Highway Authority therefore requests that this application not be determined until such time as the additional information above has been submitted and reviewed.

CCC Lead Local Flood Authority – 8th August 2022 – No objection subject to condition.

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development. The above document demonstrates that surface water from the proposed development can be managed through the use of geo-cellular tanks and basins restricting surface water discharge to 7.9 L/s for the 1 in 20 year event and 15 L/s for all other events as agreed with Anglian Water. The above document also demonstrates that the capacity of the culverted watercourse located along the site's southern boundary does not pose a constraint to the proposed surface water outfall of the site for all storms up to and including the 1 in 200 year event with a 50% blockage of the culvert. While flooding of this culvert

does occur during greater blockage scenarios and would surcharge the surface water outfall from the site, levels around the site indicate proposals would not be at risk from such an event, with any flood waters being conveyed away from the site.

It should be noted that while the surface water concerns have been addressed, the Environment Agency may wish to provide further comment on the fluvial aspects.

6th July 2022

We have reviewed the revised information but still have concerns regarding the proposed drainage strategy and object to the grant of planning permission for the following reason: 1. Correspondence with the Environment Agency identified the requirement for fluvial modelling to ensure that there is no flood risk to the site associated with the Northern Catchwater Drain. The Environment Agency have stated that due to the size of the watercourse's catchment it has not been included within their indicative model. As such there is currently insufficient information available to draw conclusions regarding the fluvial flood risk to the site. The Environment Agency have stated that "modelling would be required to assess this risk". The hydrological regime around the site is quite complex due to the presence of: - A culvert located upstream of the site restricting flows resulting in flooding; - A surface water flow path traversing the site; - Fluvial flooding located downstream of the site. The above conditions could also indicate that the culvert becomes surcharged during flood events, which could affect the proposed surface water outfall from the site. This could impact the surface water drainage design of the site and as such it is important to establish the culvert conditions during flood events through site specific hydraulic modelling.

1st June 2022

Objects - Fluvial Modelling Correspondence with the Environment Agency identified the requirement for fluvial modelling to ensure that there is no flood risk to the site associated with the Northern Catchwater Drain. The Environment Agency have stated that due to the size of the watercourse's catchment it has not been included within their indicative model. As such there is currently insufficient information available to draw conclusions regarding the fluvial flood risk to the site. The Environment Agency have stated that "modelling would be required to assess this risk". The hydrological regime around the site is quite complex due to the presence of: - A culvert located upstream of the site restricting flows resulting in flooding; - A surface water flow path traversing the site; - Fluvial flooding located downstream of the site. As such we support the Environment Agency's statement in regard to fluvial flood risk to the site.

29th July 2021

Objects with regard to:

1. Hydraulic Calculations;
2. Discharge rates;
3. Water Quality
4. Easements
5. Drainage Hierarchy

6. Maintenance Plan
7. Insufficient information on reinstatement of drainage route.

11th May 2021

More Information Required The application has insufficient information to support the surface water drainage design proposed. For a full application the following should be included within the surface water strategy:

- i. Existing impermeable area
- ii. Proposed impermeable area / developable area (including an allowance for urban creep)
- iii. A description of site topography
- iv. A description of ground conditions (using site investigation where possible)
- v. Identification of any surface water flood risk
- vi. Existing site drainage arrangements
- vii. Proposed method of surface water disposal
- viii. Existing and proposed runoff rates (if discharging off-site)
- ix. Existing and proposed runoff volumes (if discharging off-site)
- x. Required volume of attenuation (m³ per m² of impermeable area)
- xi. Preliminary SuDS proposals
- xii. Infiltration test results in accordance with BRE365 (or second viable option for surface water disposal if testing hasn't yet been undertaken)
- xiii. Drainage layout drawing and supporting hydraulic calculations
- xiv. Details of proposed phasing Notably drainage layout drawings should be labelled to match hydraulic calculations and detailed calculations should be provided. The quick storage estimation output is not sufficient to support the drainage design for a full planning application. It is observed that only approximately half the site drains via the proposed pond therefore suitability of water quality mitigation proposed should be discussed further.

CCC – Education, Library and Strategic Waste – 23rd March (comments on amended scheme)

Contributions required towards early years, libraries and lifelong learning.

ECDC – Conservation Officer – 28th June 2024 – (comments on amended scheme).

No objection

ECDC - Environmental Health – Scientific Officer - 12 May 2021

Thank you for consulting me on the above proposal. I have read the Preliminary Risk Assessment report dated 15th September 2011 prepared by DTS Raeburn and accept the findings. The report recommends that further investigation is carried out to assess any contamination risks on the site. I recommend that standard contaminated land conditions 1, 2, 3, and 4 are attached to any grant of permission.

I have read the Air Quality Assessment prepared by Redmore Environmental and accept the findings that the site is suitable for its proposed use from an air quality

perspective. A condition should be attached to any grant of permission requiring the applicant to prepare a Construction Environment Management Plan (CEMP) to demonstrate how any impacts on air quality during the construction phase will be mitigated.

Environmental Health - (Domestic) – 18th March 2022 (comments on amended scheme)

I have read the revised NIA dated the 3rd February 2022 which states – “2.17 Comments have been received from the Environmental Health Department in relation to the planning application 21/00535/FUM who agreed that noise from the commercial element can be conditioned, however in relation to the residential element although it was accepted that acceptable internal noise levels could be achieved by using the building envelope, he advised that local planning authority will need to be satisfied that acceptable internal sound levels can be achieved with windows partially open. 2.18 The above approach is not consistent with the advice in ProPG or with similar developments granted planning permission by ECDC.”

This will be a matter for the Planning team to consider.

Section 4.29 states – “To ensure that internal noise levels comply with the guidance contained in BS 8233:2014/WHO Guidelines it will be necessary to have windows closed. Background ventilation, to comply with Building Regulations Part F, will be provided to these rooms by alternative means of ventilation.” For these reasons my previous comments remain unchanged but I will repeat them here for clarity –

“The report recommends closed windows and acoustic ventilators in order to achieve acceptable internal levels. This is in line with national policy and guidance so I am not in a position to object to this but I am aware that the LPA will not find this method acceptable and will expect internal sound levels to be met with a partially open window.

22 April 2021

Due to the proposed number of dwellings and the close proximity of existing properties I would advise that construction times and deliveries during the construction phase are restricted by condition and that a Construction Environmental Management Plan (CEMP) as well as a piling condition.

I have read the Noise Impact Assessment produced by Sharps Redmore and dated the 26th March.

I note that the intention is for an office block on the part of the site which is closest to the Hanson site.

The report advises that -

"The impact of noise from the proposed office space is not considered significant and beyond suggesting conditions relating to noise from any fixed plant associated with the offices, no comments are required"

I am inclined to agree with this and would recommend conditioning to control noise from any fixed plant -

Existing noise levels were established during measurements between the 25th and 26th Jan.

Attended measurements were carried out between 1100 and 1200 on 26th January 2021 and during this time the Hanson Cement Depot was operating. The report finds that noise from the site was just audible at the boundary of the works but did not affect noise levels measured as levels are dominated by road traffic on Angels Drove. I have reached out to the Hanson site to try and establish what works were taking place that day but so far have not received a response. At this time I have no issues to raise with this element of the assessment.

To summarise, the LPA will need to be satisfied that the apartments can achieve acceptable internal sound levels with an open window.

ECDC - Housing Section – 10th November 2022

The Strategic Housing Team note that there is no planned delivery of affordable homes on this site and that a viability assessment has been submitted to support this. In light of this we would request that suitable clawback mechanisms be included within the Section 106 agreement to recoup the value of the affordable housing provision if the private rent homes are converted to another tenure or open market sale as well as Viability Review mechanisms to secure the provision of affordable housing should the viability position change – as also recommended in the viability assessment.

26 April 2021

The Strategic Housing Team supports the above application in principle, as it will meet Policy HOU 3 of East Cambridgeshire Local Plan 2015 to deliver 30% affordable housing on site. (116 dwellings will secure 35 affordable dwellings)

I note within the Design and Access Statement that the developer intends to bring forward the housing scheme as a Build to Rent product. We have highlighted our concerns as to whether Ely has a need for such a large-scale Built to Rent scheme, owned and managed by one single company. The Built to Rent model is a fairly new product and I currently don't feel that there is enough information within the planning application to determine how the product will work, whether the model will only be available for certain household groups and how the affordable private rent will be managed and allocated.

The draft Housing Needs Study for Cambridgeshire and West Suffolk has also indicated that there is no requirement in East Cambridgeshire for the council to allocate sites for Build to Rent. The evidence shows that the private rented market is an increasingly important way for households to access accommodation, however our main concern is over the scale in which the Build to Rent development is proposed. It is our recommendation that the development should consider a greater balance of tenures, including market housing and affordable housing, alongside a small scale Built to Rent product.

With regards to meeting the affordable housing provision we would be seeking to secure 30% affordable housing and based on the indicative mix proposed within the Design and Access Standard this would need to be secured as a mix of apartments and houses, ranging from one to four bedroom homes.

Should consent be granted, I would request the s106 Agreement contains the following Affordable Housing provisions:

1. That the dwellings will be Affordable Housing in accordance with the definition contained in NPPF.
2. That the dwellings will transfer to a provider of social housing approved by the Council, either a Private Registered Provider or an alternative affordable housing provider (including but not limited to a housing trust or company, a community land trust or an almshouses society).
3. That the tenure of each dwelling will be Affordable Rent, Social Rent or Affordable Private Rent, and no subsequent alteration will be permitted without the Council's prior approval.
4. That the rent charged for the Affordable Rented properties will not exceed Local Housing Allowance rate for the equivalent property size.
5. That the Affordable Dwellings are constructed to DCLG, National Described Space Standards or as a minimum all new dwellings should meet Building Regulation Part M (Volume 1), Category 2, unless there are exceptional design reasons why this is not possible.
6. That the Provider will not dispose of any dwelling by outright sale
7. That occupation will be in accordance with a nomination agreement.
8. That these affordable housing conditions shall be binding on successors in title, with exceptions for mortgagees in possession and protected tenants.

ECDC Trees Team – (comments on amended scheme) 27th June 2022

The realigned path on the northern boundary is now acceptable and will allow the retention of the existing trees growing on the earthen bund. I will look forward to seeing a soft landscaping scheme provided by condition that will take into account my previous landscaping comments should this application be approved.

19th May 2021

The removal of low grade trees (G4) adjacent the current location of the footpath at the Potters Lane entrance would open up views directly into the site and there does not appear to be any replacement planting planned for this area to offer screening of the site from the existing residents of Potters Lane. This could be an ideal location for some native species hedging to soften the views into the site and as an added bit of habitat creation, the hedge could also be used to reduce the likelihood of the boundary path for residents to access their rear gardens being used as a short cut or the creation of desire line paths that could lead to additional issues such as antisocial behaviour and littering.

The indicative landscape master plan shows lots of new trees planned for relatively close proximity to the front of the new properties which would be unsustainable as this position and proximity will cause shading issues as the trees develop likely leading to their early removal. I would suggest running a shade analysis for the

proposed trees planting locations with the trees being 10m in height with crown spreads of 5-8m this will show any future potential issues from shade. It should also be noted that the soil type in this area could be liable to shrinkage leading to subsidence and that the presence of trees in close proximity to the buildings could make this situation worse also leading to the removal of trees early. The design of footings does not normally take account of new tree planting and their potential effect as they grow. The photographs in the design and access statement showing the condition of the existing site as well as the character of the surrounding area are between 4 and 11 years old and therefore do not provide an accurate representation of the site. The landscape strategy report in its Tree Planting Strategy makes reference to the use of native tree species for the woodland walk planting yet has pictures of Himalayan Birch a purely ornamental species and Horse Chestnut which was introduced to the UK in the 16th century as a parkland tree not a woodland species. When the soft landscaping scheme is finalised it would be good to see some locally native Willow trees included in the planting adjacent the attenuation pond these have numerous environmental benefits and could be maintained as pollards in the traditional manner which would also boost the biodiversity of the attenuation pond. I have no tree related objections to the development of this site but the soft landscaping will be key to its successful integration into the wider landscape. It would be beneficial if there was a long term management plan (20 years) for this site including the CWS as this will aid the continuity of the works and the designers vision for the site at maturity.

ECDC Waste Strategy (ECDC) – No comments on amended scheme.

6 May 2021

- The Refuse plan provided is NOT acceptable to the waste team as, whilst it shows storage points for wheeled bins it gives no indication of where resident will present bins or the drag distances for a significant number of properties, also the freighter routing plan seems to miss a large part of the development in the centre of the plan despite the collection point not being near the adjacent adopted highway?
- Storage points for apartments are also not acceptable as at least one of these is not directly adjacent to the public highway, this would need to be moved accordingly.

Technical Officer Access - 27 April 2021

- 1) Only 3 accessible parking bays in the far corner near the commercial office.
- 2) Dull elevations and very high density,
- 3) Very uninspiring design of street scene, looks like something out of the sixties; the commercial blocks are completely out of character with those high roofs.
- 4) This could be such an opportunity for an imaginative development with that little stream nearby.
- 5) Access point - the route from the lifts to the offices looks like a nightmare for a wheelchair user - two doors in narrow corridors; no measurement shown but 1500mm needed for turning 90 degrees, corners should be splayed. is that an accessible toilet cum shower in the office block? if so it should be laid out to part M.

6) Are there any lifetime homes?

7) For this to go ahead it would be best for the pavement on Angel Drove to be improved so there is pavement on both the Tesco's side of Angel Drove and the opposite side of Angel Drove to Tesco's. It would also be best to have a controlled crossing across Angel Drove near the mini roundabout with the old A142 that goes up to the station. There is a lot of traffic on Angel Drove and traffic coming in different directions, so it would be much safer to have pavement on both sides of the road and a controlled crossing so people can get to Tesco's and the train station.

8) All lifts across the development need to be accessible including tactile buttons with tactile numbers/braille and audio announcements to say the direction the lift is travelling in and the floor the lift is arriving at.

9) We could not find any mention of street lighting in this development. To help partially sighted pedestrians navigate the site, it would be best to have an adequate level of street lighting.

5.2 A site notice was displayed near the site on 22nd April 2021 and a press advert was published in the Cambridge Evening News on 22 April 2021.

5.3 **Neighbours** - 28 neighbouring properties were notified and the responses received are summarised below. 8 letters of representation have been received during the progression of the application objecting to the scheme. A full copy of the responses are available on the Council's website.

Residential amenity

- Commercial/ office buildings overlook the current housing.
- The position of the youth hub should not be at the end where Potters Lane/ Dovehouse Close as this area is mainly occupied by elderly residents. It should be positioned in the area to the west of the site so it doesn't disturb existing residents;
- Public Amenity space would be prone to litter, noise, general disturbance and anti-social behaviour;
- We feel that the developers have been somewhat disingenuous in this regard as neither the 'small gathering spaces' nor the 'Youth Shelter' were featured on the plans considered by us during the Consultation Phase of this process.
- With 107 dwellings plus office space creating 100 jobs, there will be a huge increase in noise
- Given that the development is for rented properties, there are likely to be similar parking issues relating to residents having insufficient parking spaces near these properties. It is likely that these will be multiple occupancy properties rather than a single family. It is not clear from the plans how many parking spaces will be allocated to each property or whether there will be additional street parking within the development.

Traffic and Highway Safety

- Where is the existing public footpath to be diverted?

- how the proposed footpath / cycle route will be managed given the likely increase in footfall and cycle traffic;
- the lack of parking spaces for the office block will lead to an increase in on-street parking on surrounding streets
- Proposals affect a right of way and popular path. Plans indicate that it will be preserved however there is a lack of detail.
- No information given on re-routing PROW.

Nature conservation and trees

- lack of hedgerow planting on the landscape plan
- site is rich in birds and bats
- no provision for enhancing the County Wildlife Site;
- The majority of the amenity space has been located in one area, adjacent to the CWS and within the area earmarked to provide enhancement to biodiversity. It appears to be 'double-counting' the land use – providing gathering space to promote residential and community cohesion whilst also using the same area to provide the required 'net-gain in biodiversity'. Any increase in the number of people so close to the CWS is likely to lead to disturbance of existing wildlife and further fragment the, already diminishing, habitat.
- landscape maintenance and management
- security lighting measures required for the amenity spaces and youth shelter to detriment of wildlife

Other

- Ely needs a choice between ownership, shared ownership, affordable, sheltered/supported and rental.
- two-storey houses will negatively contrast with the adjacent bungalow properties on Dovehouse Close
- The commercial space idea is inappropriate given the number of local offices that are empty, why didn't the developer consider using this space for provision of sheltered or supported living instead?

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
HOU 1	Housing Mix
HOU 2	Housing Density
HOU 3	Affordable Housing Provision
EMP 1	Retention of existing employment sites and allocations
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction

ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking
ELY 7	Employment-led/mixed use allocation, Station Gateway
ELY 8	Station Gateway visions by area

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2021

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

6.4 Planning Practice Guidance

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

7.0 **PLANNING COMMENTS**

The material planning considerations relevant to this application are the principle of development, residential amenity, visual amenity, highway safety, ecology, flood risk and drainage and various other matters material to the application.

7.1 **Principle of Development**

- 7.1.1 The starting point for decision making is the development Plan ie the East Cambridgeshire Local Plan 2015. S38 (6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the

development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of the application needs to consider whether the proposal constitutes sustainable development having regard to development plan policy and the NPPF as a whole.

7.1.2 The application seeks full planning consent for the redevelopment of the former Westmill Foods site in Angel Drove. The site has remained vacant for 13 years and the buildings demolished and the site cleared in 2011. On the approach into Ely along Angel Drove, the former Westmill Foods site represents a gateway into the city and currently results in a visually negative impact on the Council's vision to regenerate this area. The redevelopment of this site may therefore result in a catalyst for further redevelopment opportunities coming forward on this area.

7.1.3 The site is located within two policy action areas, namely Policies ELY 7 and ELY 8 of the adopted Local Plan 2015 which relate to the Station Gateway area. Policy ELY 7 refers to the need for a Masterplan for this part of the city to be published as a Supplementary Planning Document, however, this has yet to be undertaken. Notwithstanding this fact, the Council's vision for the Station Gateway area is of a vibrant mixed-use area which provides an attractive gateway into the city. For information purposes, the full extract of this policy is provided below:

Policy ELY 7: Employment-led / mixed-use allocation, Station Gateway

Vision: The Station Gateway area will be transformed into a vibrant mixed-use area which provides an attractive gateway to the city. Existing industrial uses will be relocated where possible and the sites comprehensively redeveloped with high quality offices and some apartments framing views of the cathedral. The station will be enhanced to provide transport interchange facilities and complementary small-scale retail units. Sensitively designed multi-storey car parks will provide parking for commuters and visitors. New pedestrian links will draw people to the riverside, Angel Drove and into the rest of the city.

Approximately 12.3 hectares of land are allocated for a high quality mixed-use development comprising:

- Approximately 32,700m² of employment floorspace (B1 and B2 uses) on an area broadly equivalent to 3.8 hectares (providing a minimum of 800 jobs).
- A new public transport interchange at the railway station.
- Small retail units (up to approximately 1,000m²) linked to the redevelopment of the railway station interchange.
- Approximately 400-630 residential units.
- Public open space, including public art.
- Carparking for occupiers/users of the site, and for the railway station.

A Masterplan is needed to provide context for consideration of planning applications in the area. This will be published as a Supplementary Planning Document. Development proposals for all sites within the Station Gateway area will be expected to:

- Take account of guidance set out in the Ely Station Gateway SPD.
- Comply with the relevant part of Policy ELY 8 which relates to particular areas.
- Support the creation of a public transport interchange at the railway station.
- Have particular regard to the layout, scale, height, design and massing of buildings, in order to create a strong coherent urban form, frame and protect views, increase accessibility to the River Ouse and Cathedral, minimise harm to Ely Conservation Area, and integrate development into the surrounding urban fabric.
- Support the creation of a successful mixed-use environment that is easy to navigate and attractive to both visitors and residents as a place to visit.

- Develop new attractive, flexible and usable public spaces at key locations.
- Support the provision of a network of new pedestrian and cycle routes to Angel Drove and the riverside area to link with new development and promote the enjoyment and use of the river and park, including additional cycle storage and parking and improved signage.
- Provide easily accessible car parking which does not dominate the character of the area.
- Provide an element of affordable housing (currently 30%) for any housing element as required under Policy HOU 3.
- Maximise development value through high quality design and by exploiting views of the river and cathedral.
- Demonstrate that the development is consistent with the objectives of the Anglian River Basin Management Plan.
- Demonstrate that any flood risk can be adequately mitigated; and
- Comply with the other policies of the Local Plan.

- 7.1.4 Policy ELY 8 refers to the Station Gateway visions by area, with Area 2 relating to the Hanson Concrete industries, the former Westmill Foods and the EMG Ford site. As yet the Westmill Foods site (application site) remains the only land parcel to come forward for redevelopment as the other two areas are still operating. Whereas this policy requires this vision area to be developed comprehensively for a mix of employment uses including offices and apartments/houses, without the other two areas coming forward it would not be possible to undertake a comprehensive redevelopment of this area. Moreover, as there is no Masterplan for this area and no supplementary planning document has been adopted which would provide developers with guidance on how a holistic scheme could come forward, it has necessary to assess any scheme on its own merits and ensure that it meets with the objectives of Policies ELY 7 and ELY8, as well as other integral policies of the adopted Local Plan 2015.
- 7.1.5 The site comprises approximately 1.99 ha (4.7 acres), of the 12.3 ha action area covered by Policy ELY8, and would provide a proportionate mix of office and residential uses. In accordance with this policy, the scheme would create a 'strong coherent urban form, framing views which would minimise harm to the Conservation Area. As well as enhancing the permeability of the area by creating new pedestrian and cycle links to Potters Lane and the CWS, the scheme has created a new attractive, flexible and usable public spaces. In this instance, the creation of a linear park along the northern boundary. It is also considered the scheme sympathetically integrates the built up area of the site with the sensitive location of the adjoining County Wildlife Site. In all respects, the scheme would meet with the criteria established by Policies ELY 7 and ELY8 of the Local Plan, 2015 and is not considered to prejudice the development of the remainder of the allocated site.
- 7.1.6 Policy GROWTH 2 of the Local Plan, 2015, is relevant and sets out the locational strategy for the district, focussing most new developments around the market towns of Ely, Soham and Littleport. The location of the site within the development framework of Ely meets with the criteria of Policy GROWTH 2.
- 7.1.7 Policy HOU2 of the adopted Local Plan 2015 requires the appropriate density of a scheme to be judged on a site-by-site basis taking account of the existing character of the locality and the settlement and housing densities within the surrounding area, the need to make efficient use of land; the biodiversity of the site; the need to accommodate open space and parking; the level of accessibility and the impact on residential amenity of both existing and future residents. Whilst the net environmental gain is lower than expected, the applicants have made a contribution towards the enhancement of biodiversity off-site.

7.1.8 In terms of the application of Policy EMP1 is concerned, this policy requires the retention of existing employment sites unless it can be demonstrated that a) the site is no longer viable to be retained in 100% employment use or b) the redevelopment of the site would bring significant environmental or community benefits. As is evidenced within the preceding paragraphs of this report, Policies ELY 7 and ELY 8 require the regeneration of the whole of the Station Gateway area into a mix of residential and commercial and therefore the application of Policy EMP1 must be seen in the wider context of the action area.

7.1.9 Bearing in mind that this application represents the redevelopment of previously developed industrial land for housing and employment use, the applicants have approached the regeneration of this site in a way that makes efficient use of the land and the proposed site plan is indicated below:



7.1.10 On balance the scheme would provide mix of 2 and 3 bedroom accommodation as well as a coherence of architectural styles replicated within the adjacent urban framework of Ely. Individual dwellings have been favoured as opposed to apartment blocks with each property benefiting from an acceptable outlook, private and public amenity space as well as adequate parking which promotes its sustainable location within walking distance to bus routes, the city centre and the railway station.

7.1.11 Policy HOU3 of the adopted Local Plan 2015 requires that all new open market housing development which incorporate more than 10 dwellings will be required to make appropriate provision for an element of affordable housing. A Financial Viability Assessment (FVA) [Rapleys March 2021] and a Review of the FVA

[Rapleys dated 10th March 2022] have been submitted at the request of the Council. This has confirmed that the scheme would be unviable if required to provide any affordable housing. The FVA has been independently reviewed by an Independent Consultant acting on behalf of the Council.

- 7.1.12 The Council's appointed consultant, in commenting on the draft S106 agreement submitted by the applicants, which contains both Early and Late-Stage Viability Review mechanisms to secure the provision of affordable housing should the viability position change. The S106 Agreement would also be required to include a mechanism to recoup ('clawback') on the value of the affordable housing provision that is foregone if affordable private rent homes are converted to another tenure and in particular open market sale. This is in addition to Clawback on any BTR disposals. Collectively, these obligations provide ample safeguards to ensure that the proposed development does not evade any reasonable requirement to provide affordable housing where this does not undermine scheme viability.
- 7.1.13 The Council agrees with the findings of the independent review and a suitably worded clause would be covered within the S106 Agreement.
- 7.1.14 Bearing in mind this site forms a small part of a major regeneration project contributing to the regeneration of the Station Gateway area (under Policy ELY 8), the scheme is considered to promote a high quality of design and integrates well with its edge of city location. The provision of new commercial opportunities for small business units is also welcomed. As a consequence, this scheme brings forward land which has remained in a neglected state for more than 10 years and therefore the redevelopment of this site would not prejudice the development of the remainder of the allocated area, in line with the Council's vision for the area.
- 7.1.15 The proposal would provide an acceptable standard of living for future occupiers and would not comprise the living environment of existing residents. The site is within a very sustainable location and is within walking distance of many services, as well as infrastructure and employment opportunities. Therefore, the under-provision of car parking is acceptable in this instance. The Local Highways Authority have raised no concerns and mitigation measures and enhancements would create more active travel with safer routes which encourage walking and cycling.
- 7.1.16 In terms of the impact on visual amenity, whilst one existing long range view of the Cathedral would be altered by the row of town houses in Angel Drove, the scheme would also obscure much of the industrial buildings making a positive contribution to the setting of the conservation area as a whole. A robust landscaping scheme is proposed which will provide a number of break out areas around the site designed to promote community cohesion, as well as contribution to the ecology and biodiversity of the site.
- 7.1.17 The Station Gateway covers approximately 12.3 ha and Policies ELY7 and ELY8 provide opportunities to make some major improvements to the area. However, apart from major improvements to the A142 between Angel Drove and Stuntney Causeway, no redevelopment opportunities have arisen. The aims and objectives of these policies are to improve the appearance of this area although whilst this area is in multiple ownerships, re-development of the Station Gate Way area is

still not coming forward. The Westmill Foods site has remained in a derelict and vacant position for a considerable amount of time with no prospect of development coming forward. Within this period there have been no other expressions of interest or planning applications for the re-development of this site. As this is a gateway into the City, the proposal would improve the experience along Angel Drove and enhance this part of the City as well as the setting of the Cathedral. Although the site would not provide a net environmental gain, a contribution towards enhancement of the CWS would be provided via the S106 Agreement. A contribution towards POS would also be provided.

7.1.18 the redevelopment of this site may result in a catalyst for further redevelopment opportunities within this part of the district.

7.1.19 It is considered, apart from its non-compliance with Policy HOU3, the scheme meets with the policy requirements of both national planning policy and the adopted Local Plan 2015 and is considered acceptable in principle, subject to the satisfactory completion of a S106 Agreement.

7.2 Residential Amenity

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

7.2.2 The East Cambridgeshire Design Guide SPD considers there is a requirement to provide sufficient plot sizes and amenity space for all new development. Therefore, a minimum of 10m separation distance should be achieved from the rear elevation of any dwelling to the rear boundary. The distance between rear inter-visible windows should be a minimum of 20m. Moreover, in most cases the rear private amenity spaces should be a minimum of 50sqm and the footprint of any proposed development should be no more than approximately one third of the plot size.

7.2.3 In view of its location within an area of existing industrial and commercial uses, there are parts of the site that are constrained by either noise from the traffic using Angel Drove or from the cement works. A Noise Impact Assessment and an Air Quality Assessment [Redmore Environmental] have been submitted with the application and assessed by the Environmental Health Department [Scientific and Domestic] who agree with the findings. In this respect the offices have been sited within the eastern corner of the site adjacent to the Hanson site and would act as a barrier to block out most of the noise and any other pollution.

7.2.4 In terms of the noise from traffic using Angel Drove, a row of town houses are proposed along this frontage and would act as a barrier for the rest of the site. Future occupiers of this accommodation along the road frontage would however, experience a degree of noise associated with traffic. This has been mitigated by 'good acoustic design' being employed so that with windows shut, in the rooms affected by noise from Angel Drove, mechanical ventilation would be required. In this way there would be no detriment to future occupiers of the town houses.

7.2.5 Bearing in mind the Council's long-term ambition for this area as a regeneration zone for a mixed-use community, noise from Angel Drove would always be a

constraint on any residential development within this action area. A test of reasonableness has to be applied in that if the Council are supporting mixed uses in an area adjacent to key routes into and around the City, then noise and general disturbance would always be a material consideration. However, the design and layout of the scheme has ensured that approximately 75% of the dwellings would not be affected by noise with 20 properties relying on mechanical ventilation. Those dwellings most affected by noise have been designed with enclosed roof terraces to provide additional accessible space. A degree of mitigation can also be provided in the form of tree and shrub planting along the southern boundary of the site. In view of the limited number of properties affected, this is not considered sufficiently injurious to warrant refusing the scheme on this basis

- 7.2.6 Anglian Water has also identified the location of their sewage pumping station within the site which is located within the south-eastern corner between the two ponds. In line with guidance provided by Anglian Water, all residential dwellings would be required to be located outside of the 15m *cordon sanitaire* as development would be potentially sensitive to noise or other disturbance. In order to ensure future amenity issues are not created no development is proposed within this exclusion zone.
- 7.2.7 With regard to the residential amenity of future occupiers, all properties would benefit from either private rear garden areas or from roof terraces. The layout of the housing has taken account of the orientation of the sun and the majority of dwellings would benefit from a southerly aspect with good sunlight/daylight penetration to habitable rooms. The layout of the estate provides good access to public amenity areas which would assist in community cohesion.
- 7.2.8 In terms of residential amenity of existing occupiers, there have been a number of concerns identified within the letters of representation. However, amendments to the scheme has resulted in a reduction in the amount of activity and therefore has overcome a number of concerns.
- 7.2.9 The location of the commercial units would present a flank wall relationship along the eastern boundary of the site and would overlook the cement works. In considering the extant use of the site as a commercial use, then the impact on residential amenity in terms of noise, general disturbance and overlooking, then the current scheme results in an improved relationship than was present on the site before.
- 7.2.10 Further concerns regarding the location of the youth shelter at the end of Potters Lane/ Dovehouse Close have been raised and the applicant has now removed this from the scheme. In terms of the public amenity spaces prone to litter, noise, general disturbance and anti-social behaviour, the development would be managed and maintained wholly by an independent management company and further details in the form of a robust management plan being imposed by condition.
- 7.2.11 There would be a degree of noise and general disturbance during construction of the development and a number of mitigation measures in the form of a Construction Environment Management Plan, restriction of deliveries and hours of working would be imposed by condition.

7.2.12 On balance the scheme would deliver an acceptable standard of living environment for all future occupiers of the site and would not materially impact on the living environment of existing residents.

7.2.13 It is therefore considered that the proposal would meet with the requirements of Policies ENV2 and ENV9 of the adopted Local Plan 2015 and the East Cambridgeshire Design Guide SPD.

7.3 Visual Amenity

7.3.1 Policy ENV1 of the Local Plan 2015 requires new development to provide a complementary relationship with existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlement. Policy ENV2 of the Local Plan 2015 requires that new development should ensure its location, layout, form, scale and massing and materials are sympathetic to the surrounding areas.

7.3.2 As previously stated, the site is located to the south-west of the city centre on previously developed land which is described in the adopted Local Plan 2015 as the Station Gateway area. There is a policy objective to regenerate this part of the city into a 'vibrant mixed use' area with commercial and residential uses.

7.3.3 To the north-west of the site is the Angel Drove Drain-County Wildlife Site (CWS) with the Ely City Golf Club and a large recreation ground to the south-west. Other industrial/commercial uses as well as residential development border the site to the east with Angel Drove forming the southern boundary of the site.

7.3.4 An Integrated Impact Assessment (IIA) covering heritage, townscape and visual impact issues has been submitted [Lathams dated February 2022] and this document describes the impact on views within the area. There are two important views, namely, Viewpoint 1 which is taken from Angel Drove just south of the site entrance opposite Jewsons and Viewpoint 2 which is taken from Angel Drove opposite Sir James Black Road. Limited views of the Cathedral can be glimpsed from Viewpoint 1 and the development would conceal the view experienced here. From Viewpoint 2, much of the development would be screened by an existing screen of trees along Angel Drove, such that long range views of the site would not be affected by the development as proposed. The redevelopment of this site provides housing as well as enhancing the setting of the Cathedral both of which can be seen as public benefits.

7.3.5 Whilst the site is not located within the City of Ely Conservation Area, any development would need to respect the setting of the Conservation Area which is located approximately 1000m (0.62 miles) to the north of the site. Currently the commercial buildings along Angel Drove result in a negative impact on this part of the city and therefore the development of this site would screen much of the existing commercial buildings from Viewpoint 1. The IIA considers the visual effects of the proposed development "would alter the view from Angel Drove and the skyline in the immediate area". The IIA considers the impact on this view "would be adverse in that significant heritage assets and landmarks are no longer visible. However, the townscape quality of the foreground and the condition of the Angel Drove gateway

into Ely are both clearly enhanced as a result of the proposed development". The Conservation Officer has raised no objection to this.

7.3.6 The layout of the site uses the existing access from Angel Drove and retains a viewing corridor through the site and beyond into the CWS. An attractive shared space area has now been created which enhances the transition from the built environment into the CWS. The linear park along this western boundary also acts as a natural interface between the development and the natural environment and would also provide public open space to serve the site and for wider public benefit, and this is welcomed.

7.3.7 The Government has adopted a National Design Guide (NDG) which addresses the question of how well-designed places can be recognised. The NDG states that "Well designed places should have individual characteristics which work together to create its physical character". There are ten characteristics which collectively would help to nurture and sustain a sense of community and should work positively to address environmental issues affecting climate change, resulting in a contribution towards the cross-cutting of themes for good design set out in the NPPF. The Government's priorities for well-designed places take the form of ten characteristics, namely:

- Context – enhance the surroundings;
- Identity – should be attractive and distinctive;
- Built form – create a coherent pattern of development;
- Movement – schemes that are accessible and easy to move around;
- Nature – should be enhanced and optimised;
- Public spaces – create safe, social and inclusive public spaces
- Uses – should be mixed and integrated;
- Homes and buildings – are functional, healthy and sustainable
- Resources – need to be efficient and resilient;
- Lifespan – should be made to last.

7.3.8 Detailed discussions have been undertaken with the applicants concerning the requirement to provide well-designed places which conform to both national and local planning policies. Along the Angel Drove frontage it is proposed to erect 3 storey town houses with informal seating areas and natural play equipment adjacent to the boundary with the existing POS. These dwellings would be approximately 9m (29ft) in height to ridge and would lie to the west of the main entrance, which retains its existing position, allowing views through the site and into the CWS. The internal road layout splits into two areas providing a separate spine road which loops around the housing and ends in the centre where it becomes a shared surface road leading into a home zone area with benches and café tables designed to promote community cohesiveness. This area integrates with the CWS. A further road to the east provides access to the commercial properties and thirteen dwellings. There are two SUDs basins with informal seating and a further nature trail with a willow tunnel. The mix of housing within the site would comprise small groups of two storey terraced and semi detached properties (between 8-8.5m high (26ft) which would be constructed of either brown or buff brickwork with grey roof tiles. Tree planting is proposed within all street frontages.

7.3.9 In order to create safe and attractive spaces for human habitation, the scheme has followed the principles set out within the NDG. There are a range of housing types and designs which have taken into consideration the local vernacular, and whilst the site lies within an area heavily characterised by commercial uses, a number of green buffer zones successfully ameliorate the development into its surroundings. The home zone area created within the central area links the site with the CWS and Potters Lane following the existing PROW by means of a woodland glade. As the site had previously been separated from the PROW, the new development will promote permeability allowing access through to the city centre.

7.3.10 On balance it is considered that the scheme complies with Policies ENV1 and ENV2 of the adopted Local Plan 2015, in relation to visual amenity

7.4 Highway Safety

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

7.4.2 The site is in a sustainable location with Ely train station within walking distance (300m (984 ft)) and the City Centre (845m (2772 ft)). The site is also within walking distance of a range of shops, services and infrastructure.

7.4.3 The Highway Development Management Team have worked with the applicants to ensure that the highway layout is satisfactory. A number of amendments have been required within the site in terms of the acceptability of the layout of the junction with Angel Drove and the ability of the LHA to adopt the internal road layout (apart from the shared space). A Stage 1 Road Safety Audit (RSA) has been undertaken on the proposed site access arrangements. This has resulted in a number of highway safety measures to be implemented by the applicant. A Stage 2 RSA would be required post planning and this may result in further refinements. However, this would not affect the scheme as set out in the report.

7.4.4 As further highway safety precautions, it has been necessary to provide an emergency exit, and in case of emergency, vehicles would be provided with a route from Potters Lane. This would need to be managed appropriately so that vehicles would not be able to access or egress the site from this exit at other times. Therefore, a suitably worded condition would be required to provide additional information on how this emergency exit would operate.

7.4.5 Parts of the internal roadway have been approved by the LHA to be adopted by them, and this would include lighting, although this would not include areas occupied by the SUDS and the home zone. Further details on how these areas are to be maintained and managed would need to be submitted by condition and would be covered within the S106 Agreement. Sufficient turning areas have been provided to allow vehicles servicing the site to access and egress in a forward gear.

7.4.6 A Transport Assessment (TA) [Jackson Purdue Lever dated February 2022] has been submitted with the application and has been subject to amendment. This

document takes account of committed developments within the areas of Witchford, North Ely, Sutton and Witchford.

7.4.7 The County Transport Assessment Team have considered the TA in terms of:

Trip Generation

7.4.8 It is anticipated that the scheme would generate 76 two-way vehicle trips in the AM peak (51 residential and 25 commercial) and 68 two-way vehicle trips in the PM peak (40 residential and 28 commercial). This has been considered to be an accurate account of projected trip generation.

Traffic Impact Assessment

7.4.9 The site access roundabout and the Ely Southern Bypass roundabout are anticipated to operate within capacity under all assessment scenarios. Whilst the A10/Cambridge Road roundabout is anticipated to operate over capacity under all scenarios in the PM peak, the development is anticipated to have negligible impact to capacity at this junction adding worst case 1 vehicle and 3 seconds to queues.

7.4.10 A comprehensive junction analysis and modelling exercise has been undertaken which concludes the proposed development would have no material detrimental impact on the operational performance of the highway network. The Local Highway Authority have agreed with the findings, and have requested that a number of mitigation measures are implemented.

Mitigation

7.4.11 A number of mitigation measures have been proposed to ensure highway and pedestrian safety for future occupants of the site is provided. A controlled crossing in the form of a zebra crossing to be delivered across Angel Drove east of the site access roundabout to intersect the desire line for Tesco and Ely Station would be required and this will be imposed by condition.

In order to promote active travel in line with government guidance, LT1/20 [Active Travel] and enhancements to the existing footpaths are proposed to make cycling and walking the natural choices for short journeys or as part of a longer journey. In view of the site's close proximity to the railway station and the city centre, 2m wide footways would be delivered on both sides of the site access road as well as the widening of the splitter islands on the site access arm and western arm of the site access roundabout. Moreover, dropped kerbs and tactile paving would also be delivered on the splitter island across the site access arm. A shared use footway/cycleway of 3m in width (where possible within the highway boundary) would also be required on the southern side of Angel Drove between Station Road and the zebra crossing. The existing footway on the northern side of Angel Drove between the site access and zebra crossing is to be widened to 2m in width.

Public Right of Way

7.4.12 As part of the site includes PROW No.41, which runs along the northern boundary, the scheme would involve diverting this footpath and enhancing it to provide both

pedestrian and cycle access from the site to Potters Lane. The County Rights of Way Office have no objection to the proposal but would however remind the developers that PROW No.41 would need to remain open and unobstructed unless formally closed by a temporary TRO. Further details have been requested and imposed by condition to provide further details of the enhancement of the PROW corridor and any diversion/closure and alternative route provision.

Travel Plan

- 7.4.13 Although a Travel Plan has been submitted as part of the submission, the Transport Assessment Team has also requested a revised Travel Plan which would include suitable measures and incentives inclusive of 'bus taster and/or cycle discount vouchers' to promote sustainable travel and reflect the existing location of the site within vicinity of Ely Railway Station. A condition would be imposed on the consent.

Car Parking

Policy COM8 of the adopted Local Plan 2015 requires that dwellings benefit from 2 car parking spaces and 1 cycle park space with visitor parking. The scheme would provide 78 parking spaces with 7 visitor car parking spaces for residential use, with 17 car parking spaces and 3 disabled spaces for the commercial uses. Parking spaces would be located either within the frontage of each property or to the side. These parking bays are interspersed with tree planting and the geometry of street layout ensures that the areas are not dominated by the car. Whilst the Access Group have commented that only 3 accessible parking bays (out of the 17 provided) have been provided within the commercial element of the scheme, Policy COM8 of the adopted Local Plan requires at least 5% of the car parking capacity (minimum of 1 disabled space be provided. The Council's parking standards require 1 space per 30sqm which for the commercial development of this size of 1,848 sqm would require 61 parking spaces. This would equate to 3 disabled parking spaces. Therefore in this respect the scheme provides sufficient disable parking bays.

- 7.4.14 Notwithstanding this fact the applicants raised the issue of parking initially with the planning department and this has also been identified within the letters of representation that there are likely to be similar parking issues relating to residents having insufficient parking spaces near these properties.
- 7.4.15 It should be acknowledged that this area is within a 'walkable' neighbourhood where services, infrastructure and employment areas are all within walking or cycling distance. It was agreed with the applicants that the under-provision of parking spaces was acceptable, in view of the site being within walking distance of the city centre; the station and a range of bus routes serving the city. Moreover, the scheme promotes active travel by creating cycle routes through the northern area into Potters Lane and mitigation has been agreed which would facilitate this in Angel Drive.
- 7.4.16 The applicants would be required to provide an electric car charging strategy which can be imposed by condition.

Cycling provision

- 7.4.17 Policy COM8 requires the provision of cycle parking and it is proposed to provide 2 cycle spaces per dwelling and 66 cycle spaces for commercial units. This provision complies with adopted policy.
- 7.4.18 The government recommends that local authorities prepare Local Cycling and Walking Infrastructure Plans (LCWIPs) in line with LT1/20, in order to create good quality cycle networks. Although the Council has not adopted an SPD on this as yet, active travel is a consideration in planning for the future.
- 7.4.19 A Cycle Storage Strategy has been submitted with the application and this indicates that secure cycle storage for the residential units will be located and accessible within the rear gardens of all properties. For the commercial premises bike storage would be located to the front of the building.
- 7.4.20 The scheme would not impact on the existing highway network and a range of mitigation measures would ensure highway and pedestrian safety would not be compromised with benefits to active travel applied. The proposal is therefore considered to comply with Policies COM7 and COM8 of the adopted Local Plan 2015.

7.5 Ecology and Biodiversity

- 7.5.1 Policy ENV7 of the adopted Local Plan seeks to protect biodiversity and geological value of land and buildings and requires that through development management processes, management procedures and other positive initiatives, the council will among other criteria, promote the creation of an effective, functioning ecological network.
- 7.5.2 Para 175 of the NPPF is also relevant and highlights the importance of biodiversity and habitats when determining planning applications. In July 2019 the Government confirmed their intention to make biodiversity net gain mandatory in England for all development. The emerging 'standard' by which environmental gain is calculated is the DEFRA Biodiversity Metric 3.0 test.
- 7.5.3 As a consequence, the Council have adopted a Natural Environment Supplementary Planning Document in September 2020, and this provides guidance for new development to protect and encourage the biodiversity and ecology interests on site.
- 7.5.4 The site had a previous industrial use and the buildings have been removed and the site levelled. Therefore, for the purposes of clarification this is a denuded site with a number of existing shrubs and trees retained along a number of common boundaries.
- 7.5.5 A Preliminary Ecological Appraisal (PEA) and Phase II Ecology Surveys [Harris Lamb dated March 2021] submitted with the application states that the site is located approximately 835m (2739 ft) from the Ely Pits and Meadows SSSI, and part of the site to the north is included within the Angel Drove Drains County Wildlife Site (CWS).

- 7.5.6 Habitats recorded within the site comprise cleared brownfield land with sparse plant cover over mainly bare compacted soils and made ground with the dominant species being 'creeping bent' and 'tall ruderal', with 'semi-natural broadleaved woodland' along the eastern and southern margins and mature poplars to the north.
- 7.5.7 In terms of species no evidence was found on site of great crested newts, with one grass snake recorded on one of the survey occasions. It is acknowledged the site supports habitat considered suitable for common reptiles. Birds seen using the site were the red-listed house sparrow, song thrush and starling but no birds were nesting at the time of the survey. It is considered that there are habitats suitable for nesting within the site within the trees bounding the site. The surveys identified some bats using the site for foraging purposes but the trees were not considered to offer more than negligible bat roost potential. No evidence of any other species of concern were identified and no evidence of invasive species.
- 7.5.8 A number of mitigation measures/enhancements have been proposed namely, protection of existing trees during construction and at least 3 reptile hibernacula provided around the northern boundary of the site. As the scheme proposes to plant more trees and shrubs then these can provide foraging opportunities for birds and bats. The installation of bird and bat boxes have also been proposed. Lastly the report recommends an Ecological Management Plan.
- 7.5.9 The reports have been assessed by the Cambridgeshire Wildlife Trust (WT) who are disappointed the CWS has not been included within the scheme and see it as a "missed opportunity". Whilst they consider the natural play approach is welcome, "there are opportunities to create biodiversity enhancements on the other adjacent land within the applicant's ownership, to offset any small losses from recreational use and disturbance".
- 7.5.10 A Biodiversity Impact Assessment [Harris Lamb dated February 2022] has been submitted with the application and forms Version 3 of this document to incorporate the DEFA Biodiversity Metric and ecological management plan as well as the comments from the WT. Whilst the proposed development would result in a small loss in biodiversity, the WT acknowledge that the site previously supported industrial buildings and had an assessment been undertaken prior to their removal the proposed scheme may well have demonstrated a net gain in habitat units. They consider the Ecological Management Plan provides a "reasonable basis for implementing the proposed biodiversity measures and its implementation should be secured by way of an appropriately worded planning condition". As a consequence of the proposed increase in recreational pressure on the adjacent CWS voiced by the WT, the applicants are proposing to make an off-site contribution towards ecological enhancements on the neighbouring Angel Drove Drains CWS.
- 7.5.11 Concerns identified in the letters of representation and comments received from the Council's Tree Officer regarding the earthen bank and mature trees along the north-western boundary have resulted in an amended landscaping scheme which would result in the routing of the pathway along its existing alignment. As such no trees would be removed or root protection areas compromised.
- 7.5.12 An Arboricultural Impact Assessment [Tyler Grange dated 29th March 2021] accompanies the application and confirms that there are no tree preservation orders

on the boundary trees on site. Tree removals would be limited to 3 individual trees and 2 groups of ash and “small scrubby low-quality trees” to allow for the construction of the residential properties.

- 7.5.13 A landscape strategy submitted with the application indicates a replacement tree strategy including street trees (*Sorbus Aria* and *Ginkgo Biloba*); amenity areas (*Prunus Avium* and *Cercis Canadensis*); Ponds/SUDS (*Carpinus Betula* and *Cercidophyllum Japonicum*) and the Woodland Walk (*Asculus Hippocastanum* and *Crategus Monogyna*). The Council’s Tree Officer has now considered the scheme is acceptable and requests a soft landscaping scheme is submitted by condition.
- 7.5.14 The proposal is considered to meet with the criteria of Policy ENV7 of the adopted Local Plan 2015 and the Natural Environment SPD.

7.6 Archaeology

- 7.6.1 The NPPF and Policy ENV14 emphasise that the conservation of archaeological interest is a material consideration in the planning process and requires development proposals that affect sites of known or potential archaeological interest to have regard to their impact upon the historic environment and protect, enhance and where appropriate, conserve nationally designated and undesignated archaeological remains.
- 7.6.2 The site is located in an area of high archaeological potential within the medieval core and is 220m (721 ft) to the south of the Scheduled Monument Cherry Hill Castle. However, the site is not within the City of Ely Conservation Area. According to the County Archaeologist this area is likely to contain heritage assets relating to the medieval pottery industry.
- 7.6.3 An Archaeological Heritage Statement [Cotswold Archaeology dated March 2021] has been submitted with the application that as the site forms part of previously developed land then much of the surface has been disturbed by previous industrial buildings. The County Archaeologist has agreed that the scheme would be subject to a Written Scheme of Investigation which can be imposed by condition and carried out prior to commencement of development.
- 7.6.4 The proposal is considered to meet with the criteria of Policy ENV14 of the adopted Local Plan 2015.

7.7 Flood Risk and Drainage

- 7.7.1 Policy ENV8 of the adopted Local Plan 2015 states that all development should contribute to an overall flood risk reduction. The site is located wholly in Flood Zone 1 and has been assessed as being at very low risk of flooding. However, there are a number of constraints namely along the south-eastern corner of the site the river runs in culvert and the IDB Northern Catchwater Drain currently discharges into it.
- 7.7.2 A Flood Risk Assessment and Drainage Strategy [Jackson Purdue Lever dated 16th April 2022] has been submitted with the application and confirms that the site has a low probability of flooding. Notwithstanding this fact, in order to prevent the increased risk of flooding, both on and off site, plot levels are to be raised to

safeguard dwellings against surface water flows. The drainage scheme would also incorporate attenuation methods by means of an open pond and private below ground crates with a maximum discharge rate of 7.9l/s in the 1:2 year events and 15l/s up to and including the 1 in 100 year + 40% events.

- 7.7.3 Notwithstanding the fact that the Environment Agency have no comments to make on the scheme, the LLFA have requested that fluvial modelling is undertaken to assess the potential fluvial flood risk to the development from the culverted Main River. A Flood Risk Assessment of the Ely Main River [Jackson Purdue Lever dated 10th June 2022] has been submitted and concludes that the culvert is a 1050 mm diameter concrete pipe located within the southern corner of the and has sufficient capacity. However, should a blockage occur, water backing up would flood the playing field and road before impacting the site.
- 7.7.4 The Lead Local Flood Authority consider the capacity of the culverted watercourse would not pose a constraint to the proposed surface water outfall of the site and all surface water concerns have been addressed. A condition to construct a surface water drainage scheme in accordance with the FRA and Drainage Strategy is to be imposed. The Internal Drainage Board have raised no objection to the scheme.
- 7.7.5 Foul water is proposed to drain to a new adopted sewer network and discharge into the existing sewer system. Anglian Water have not objected as there is capacity.
- 7.7.6 It is considered that the scheme would comply with Policy ENV8 of the adopted Local Plan 2015.

7.8 Other matters

Infrastructure

- 7.8.1 Policy GROWTH 3 of the Local Plan requires residential development of 20 or more dwellings to provide or contribute towards the cost of providing children's playing space and open space. For a development of this size and scale the provision of on-site open space is calculated by the amount of space required per person multiplied by the average dwelling occupancy rates to produce the amount of land required per dwelling, in accordance with the Developers Contribution SPD
- 7.8.2 In this respect there would be a requirement for approximately 5402 sqm (58146 sqf) of public open space. The scheme would deliver approximately 4824sqm (51925 sft) and therefore the applicants would be required to provide an off-site contribution towards public open space within the S106 Agreement.
- 7.8.3 Policy GROWTH 3 also requires development proposals to make contributions towards infrastructure via the Community Infrastructure Levy (CIL), or planning obligations through a s106 Legal Agreement. In this respect Cambridgeshire County Council, as the Education Authority, have commented that there will not be sufficient capacity at Ely College to meet this demand, however, since the North Ely developments are mitigated through specific CIL payments for secondary provision, there is no justification to seek a contribution from this development. There is also sufficient capacity at primary level. A contribution towards early years provision, libraries and lifelong learning will be sought via the S106 Agreement.

Housing Mix

- 7.8.4 Policy HOU1 of the Local Plan, 2015, requires that all housing developments of 10 or more dwellings (or allocations where specified) should provide an appropriate mix of dwelling types and sizes that contribute to current and future housing needs as identified in the most recent available evidence relating to the locality. The scheme would provide 26 x 2no bedroom properties and 53 x 3no bedroom properties.
- 7.8.5 All dwellings would be built to Lifetime Homes standards or equivalent and suitable or easily adaptable for occupation by the elderly or people with disabilities.

Accessibility

- 7.8.6 The Accessibility Group have considered the scheme and a number of their concerns have been addressed within the report to Committee, and their comments would be forwarded to the applicants with the planning permission.

Sustainability and Climate Change

- 7.8.7 The Council has recently adopted an SPD on Climate Change as it considers as an area experiencing growth “it comes with the responsibility to balance competing demands and mitigate the negative impacts of that growth as far as is reasonably possible”. The SPD predominantly focusses on providing additional guidance to the implementation of Policy ENV4, in that all new development would be expected to aim for reduced or zero carbon development in accordance with the zero carbon hierarchy.
- 7.8.8 A Sustainability and Energy Strategy [Element Sustainability - March 2021] has been submitted with the application and this provides a breakdown of how the strategy would comply with the Council’s policy. The indicative SAP calculations indicate that at least a 20% reduction in dwelling emission rates. The Dwelling Fabric Energy Efficiency reduction for the residential elements of the scheme would be approximately 7% better than the Part L1A compliance standard and the use of photovoltaic array to achieve zero-carbon energy generation and heat recovery systems will deliver an efficient and cost-effective strategy. The scheme would be secured by condition.
- 7.8.9 The commercial use would be required to achieve a ‘Very Good’ BREEAM rating and from the information submitted is expected to achieve this requirement. The scheme would be conditioned as such.
- 7.8.10 The development would be expected to comply with the Strategy as submitted and would comply with Policy ENV4 of the Local Plan, 2015, and the Climate Change SPD.

Ground contamination

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

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

CIL

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

8 PLANNING BALANCE

- 8.1 This application has been evaluated against the extant Development Plan which is the starting point for all decision making. The Development Plan comprises the East Cambridgeshire Local Plan 2015 and the report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development.
- 8.2 The East Cambridgeshire Local Plan 2015 covers the period up to 2031, and it is likely that it will be “reviewed well before then”. The Station Gateway covers approximately 12.3 ha and Policies ELY7 and ELY8 supports the opportunity to make some major improvements to the area. However, apart from major improvements to the A142 between Angel Drove and Stuntney Causeway, no redevelopment opportunities have arisen. The aims and objectives of these policies are to improve the appearance of this area although whilst this area is in multiple ownerships, re-development of the Station Gate Way area is still not coming forward.
- 8.3 The Westmill Foods site has stood silent and in a derelict and undeveloped state for a considerable period of time. Bearing in mind Angel Drove is a gateway site into the City, its neglected status results in a negative impact on the visual amenities of the area going into the City. The proposal would improve the experience along Angel Drove and enhance this part of the City as well as the setting of the Cathedral. The redevelopment of this site may act as a catalyst for further redevelopment opportunities.
- 8.4 The scheme demonstrates a mix of accommodation types as well as a coherence of architectural styles replicated within the adjacent urban framework of Ely and would provide an acceptable standard of living for future occupiers without compromising the living environment of existing residents.
- 8.5 Although the site would not provide a net environmental gain, a contribution towards enhancement of the CWS would be provided via the S106 Agreement. A contribution towards POS would also be provided. The fact that the development would be unviable if required to provide affordable housing, further illustrates perhaps why this site has remained dormant for so long.
- 8.6 To conclude, the application site is located within two policy action areas which propose to regenerate the Station Gateway action area, although a comprehensive scheme cannot come forward at the present time, the application has been

assessed on its individual merits and is considered to meet with the aspirations of Policies ELY7 and ELY8 of the Local Plan, 2015.

8.7 As such the scheme is recommended for approval, subject to conditions and completion of a S106 legal agreement.

9. COSTS

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

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

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

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

- The site is allocated in the Local Plan for mixed use development;
- No objections from the LLFA, LHA or Cambs Wildlife Trust

10. APPENDICES

10.1 APPENDIX 1 – Recommended Planning conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/00535/FUM	Anne James Room No. 011 The Grange Ely	Anne James Planning Consultant 01353 665555 anne.james@eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1

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

Plan Ref:	Version	Date Received
100-164_(P)102	N	14 th June 2022
100-664_(P)102.1	G	14 th June 2022
100-664_(P)104	K	14 th June 2022
100-664_(P) 105	E	14 th June 2022
100-664_(P)106	J	14 th June 2022
100-664_(P)107	I	14 th June 2022
Public Realm and Landscape Sketch Report		14 th June 2022
Landscape and General		
Arrangement Plan 3188 MA 100 FF		14 th June 2022
FRA and Drainage Strategy		28 th April 2022
001847-JPL-ZZ-ZZ-DR-D-2015-A2 C08		21 st April 2022
001847-JPL-ZZ-ZZ-DR-D- 2005-A2 C01		21 st April 2022
100-664_(P)1000		11 th February 2022
100-664_(P)1010		11 th February 2022
100-664_(P)1020		11 th February 2022
100-664_(P)1030		11 th February 2022
100-664_(P)1040		11 th February 2022
100-664_(P)1050		11 th February 2022
100-664_(P)1051		11 th February 2022
100-664_(P)1060		11 th February 2022
100-664_(P)1070		11 th February 2022
100-664_(P)1080		11 th February 2022
100-664_(P)1090	A	11 th February 2022
100-664_(P)1101		11 th February 2022
100-664_(P)101	F	11 th February 2022
100-664_(P)101.1	A	11 th February 2022
100-664_(P)108	F	11 th February 2022
100-664_(P)134	D	11 th February 2022
100-664_(P)135	F	11 th February 2022
100-664_(P)136	F	11 th February 2022
100-664_(P)120.11	G	11 th February 2022
Suds Operation and Maintenance Statement		11 th February 2022
Biodiversity Impact Assessment		11 th February 2022
Ecological Management Plan		11 th February
2022		
Biodiversity Metrics		11 th February 2022
Noise Impact Assessment		11 th February 2022
Biodiversity Metric		11 th February 2022
Integrated impact assessment		11 th February 2022
Air Quality Assessment		1 st April 2021
Arboricultural Impact Assessment C		1 st April 2021
Archaeological Heritage Statement 1		1 st April 2021
Preliminary Ecological Appraisal (March 2021)		1 st April 2021
Financial Viability Assessment		1 st April 2021
Viability Addendum		March 2022

Heritage, Townscape & Visual Impact Assessment Final Issue 04	1st April 2021
Sustainability & Energy Statement	1st April 2021
Preliminary Risk Assessment	1st April 2021
Statement of Community Involvement	1st April 2021

- 1 Reason: To define the scope and extent of this permission.
2. The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with 'Land Contamination Risk Management' (LCRM), Environment Agency, 2020. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 4 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 5 Prior to the commencement of the development, the remediation scheme hereby approved, excluding any remediation works Condition (4) above shall be implemented in accordance with the agreed timetable of works and to the agreed specification. The Local Planning Authority must be given two weeks written notification of commencement of any remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- 5 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.
- 6 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, 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.
- 6 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.
- 7 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 Construction times and deliveries, with the exception of fit-out, shall be limited to the

following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.

- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 Prior to the commencement of development, a Non-Motorised User (NMU) scheme shall be submitted to and approved by the Local Planning Authority. Such scheme shall include provision for:
 - i. the design of the NMU/PRoW corridor along the northern boundary of the site linking to Potters Lane and its surfacing, widths, gradients, landscaping and structures
 - ii. any proposals for diversion and closure of public rights of way and alternative route provision.Development shall commence in accordance with the approved details and completed prior to first occupation.
- 10 Reason: In the interests of the amenity and safety of the public.
- 11 The specific rated noise level emitted from the Class E use operating on 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
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
12. No above ground construction shall take place on site until details of the external facing materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 12 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 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.

- 13 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 No development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work which has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:
- a) the statement of significance and research objectives;
 - b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - c) The timetable for the field investigation as part of the development programme;
 - d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material.

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.

Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

- 14 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 15 No above ground works shall commence until a strategy for the facilitation of latest technology broadband provision to future occupants of the site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, open access ducting to industry standards to facilitate the provision of a broadband service to that dwelling, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

- 15 Reason: To ensure that the opportunity to provide any necessary enabling works is not missed and that the needs of future residents to connect to the internet do not necessarily entail engineering works to an otherwise finished and high quality environment, and to assist community integration, economic vibrancy and home working, in accordance with Policies ENV2 and COM6 of the East Cambridgeshire Local Plan 2015.
- 16 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.
- 16 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 97 of the NPPF.
- 17 Prior to first occupation of any dwelling a scheme for the provision of facilities for electric plug-in vehicles shall be submitted to and approved in writing by the Local Planning Authority and thereafter, provided prior to first occupation of the dwelling to which it relates.
- 17 Reason: In accordance with the aims of the NPPF to provide for sustainable transport modes.
- 18 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on the drawing 100-664/(P)102M in writing by the Local Planning Authority.
- 18 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 19 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on the drawing 100- 664/(P)102M.
- 19 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 20 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 20 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

- 21 No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 21 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 22 Prior to the occupation of any dwelling, details of the vehicular site access on Angel Drove, as required by the Highway Authority through the S278 Agreement, shall be submitted to and approved in writing by the Local Planning Authority. As shown on the drawing ZZ-XX-DR-D-2015 Rev C08, these details shall include provision of 2m wide footways on both sides of the site access road, widening of the splitter islands on the site access arm and south-western arm of the site access roundabout, and provision of a dropped kerb pedestrian crossing on the site access arm. The works shall be implemented prior to the occupation of any dwelling on the site.
- 22 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015
- 23 Prior to the occupation of any dwelling, details of a controlled crossing in the form of a zebra crossing on Angel Drove north-east of the site access roundabout to intersect the desire line for Tesco and Ely Station, as required by the Highway Authority through the S278 Agreement and as shown on drawing ZZ-XX-DR-D-2015 Rev C08, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented prior to the occupation of any dwelling on the site.
- 23 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015
- 24 Prior to the occupation of any dwelling, details of a 2m footway between the site access and new zebra crossing on the western side of Angel Drove and details of a 3m shared use footway / cycleway (where possible within the highway boundary) on the eastern side of Angel Drove between the new zebra crossing and Station Road to the north, as required by the Highway Authority through the S278 Agreement and as shown on drawing ZZ-XX-DR-D-2015 Rev C08, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented prior to the occupation of any dwelling on the site. ”
- 24 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015
- 25 Notwithstanding the details indicated in the Sustainability and Energy Statement, prior to the first occupation of any dwelling, details of the Solar PV Arrangement shall be submitted to and approved in writing by the Local Planning Authority, confirming the details and location of the photovoltaic panels across the site. The panels shall be in situ prior to the occupation of the associated dwellings and retained in perpetuity..

- 25 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and the Climate Change SPD.
- 26 The commercial floorspace (E Class Use) hereby approved shall meet BREEAM Very Good standard or equivalent. If this standard cannot be achieved by virtue of the site's location then prior to above floor slab construction works relating to the approved commercial floorspace (E Class Use) it must be demonstrated by a BRE Licensed Assessor how all other BREEAM standards have been fully explored in order to meet the highest standard of BREEAM Good or equivalent and agreed in writing by the Local Planning Authority.
A certificate, following post construction review, shall be issued by a BRE Licensed Assessor to the Local Planning Authority, indicating that the relevant BREEAM standard has been achieved or its equivalent within six months of first occupation of the commercial floorspace (E class use) hereby approved for written agreement by the Local Planning Authority.
- 26 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and the Climate Change SPD, 2021.
- 27 The biodiversity improvements as set out in the Preliminary Ecological Appraisal, Phase II Ecology Surveys [Harris Lamb] dated March 2021 and Ecological Management Plan [HarrisLamb] dated February 2022 shall be implemented in accordance with a phasing plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and thereafter maintained in perpetuity.
- 27 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.
- 28 Prior to occupation of the development details of an external lighting scheme shall be submitted to and approved by the Local Planning Authority. Such details shall include any external lighting within the site (either freestanding or building-mounted). The lighting scheme shall be managed and maintained in perpetuity.
- 28 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.
- 29 Notwithstanding the details indicated on Drawing No 3188.MA.1000 Rev FF, no above ground construction shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: car parking layouts, boundary treatments, incidental play elements; hard surfacing materials and lighting. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
- 29 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 30 No above ground construction shall commence until details of the bin and cycle stores have been submitted to and agreed in writing with the Local Planning Authority. The bin and cycle stores shall be in situ in accordance with the approved details prior to the occupation of the development.
- 30 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015
- 31 Notwithstanding the details shown on Drawing No 3188.MA.1000 Rev FF in relation to the emergency relief access on to Dovehouse Close/Potters Lane and the pedestrian routes to the north-east, prior to above ground construction works taking place, detailed specifications in relation to these access points shall be submitted to and approved in writing by the Local Planning Authority. Details in relation to the emergency relief accesses shall include the means of restricting vehicular traffic once the construction phase is complete together with details of the future management of any bollards etc. erected.
- 31 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 32 Prior to first occupation the form and content of Welcome Travel Packs to be issued to new residents on the first occupation of each new dwelling shall be agreed with the Local Planning Authority. The Packs should encourage residents to travel using sustainable modes of transport and shall be provided to new occupiers of the development.
- 32 Reason: In order to encourage future residents to travel using sustainable modes of transport in accordance with Policy COM7 of the East Cambridgeshire Local Plan 2015.
- 33 The surface water drainage scheme shall be constructed and maintained in perpetuity in full accordance with the Flood Risk Assessment and Drainage Strategy and Angel Drove, Ely Main River Fluvial Qualitative Flood Risk Assessment as submitted by (ref: : 001874-JPL-ZZ-ZZ-RP-D-2001-A3-C05 and GOD01847) dated 16 May 2022 and 10 June 2022 respectively.
- 33 Reason: To prevent flooding by ensuring the satisfactory storage/disposal of water from the site, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 34 Prior to any occupation of the development, a scheme for the maintenance of the communal areas for a minimum period of ten years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
- i) methods for the proposed maintenance regime;
 - ii) detailed schedule;
 - iii) details of who will be responsible for the continuing implementation
 - iv) details of any phasing arrangements
- 34 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

21/01156/FUL

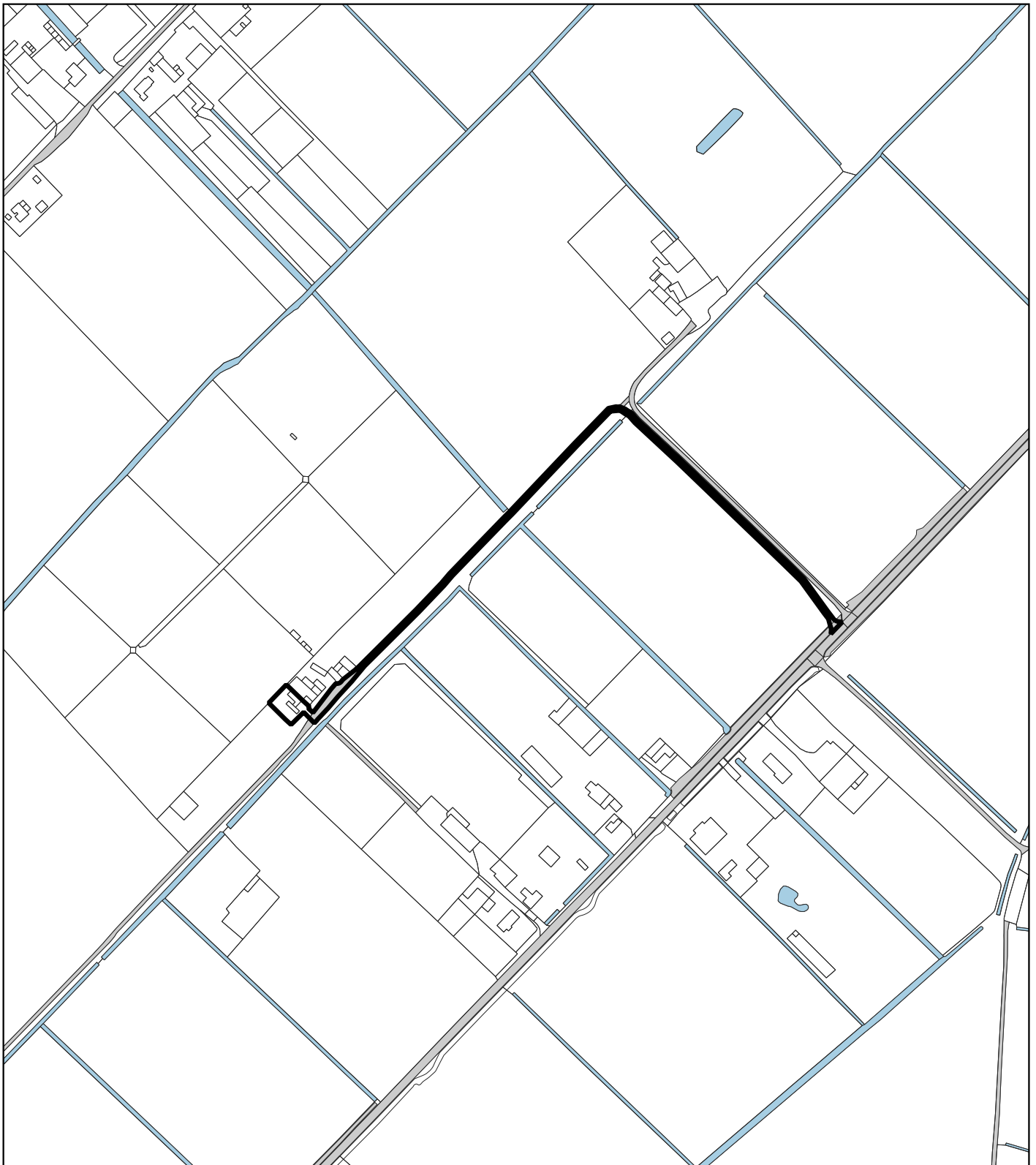
Alpaca Lifestyle Farm
First Drove
Little Downham
Ely
Cambridgeshire
CB6 2UB

Application for the continued occupation of a temporary residential building

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QXCU67GGLWN00>





21/01156/FUL

Alpaca Lifestyle Farm
First Drove
Little Downham



East Cambridgeshire
District Council

Date: 11/11/2022
Scale: 1:4,000



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MAIN CASE

Reference No: 21/01156/FUL

Proposal: Application for the continued occupation of a temporary residential building

Site Address: Alpaca Lifestyle Farm First Drove Little Downham Ely
Cambridgeshire CB6 2UB

Applicant: Mr S Cole

Case Officer: Gemma Driver Planning Officer

Parish: Little Downham

Ward: Downham
Ward Councillor/s: Anna Bailey

Date Received: 30 September 2021 **Expiry Date:** 9 December 2022
Report Number [X120]

1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the application subject to the signing of the S106 Agreement, the Applicant agreeing to any necessary extensions to the statutory determination period to enable completion of the S106 Agreement, and the draft conditions below, with authority delegated to the Planning Manager and the Director Legal Services to complete the S106 Agreement and to issue the planning permission. The recommended planning conditions can be read in full within Appendix 1.

- 1 Approved Plans
- 2 Flood Contingency Plan

1.2 In the event that the Applicant does not agree any necessary extensions to the statutory determination period to enable the completion of the S106 Agreement, Members are recommended to delegate authority to the Planning Manager to refuse planning permission on the basis of the absence of a necessary S106 Agreement.

2.0 **SUMMARY OF APPLICATION**

2.1 The applicant seeks consent for the continued occupation of a temporary residential building on land known as 'Alpaca Lifestyle Farm'. The building is a mobile home that has had ad-hoc built extensions. It now no longer meets the dimensional restrictions for a caravan, but is in nature still a relatively temporary building.

- 2.2 The application has been referred to committee as it is a departure from the Local Development Plan.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

3.1

17/00110/FUL	Erection of an Agricultural Dwelling	Refused	22.06.2017
08/01030/FUL	Change of use to residential for siting of mobile home.	Approved	19.02.2009

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site ("Alpaca Farm"), is located off a track off Black Bank Road, to the northeast of Little Downham. The site lies outside of the development envelope and is in a rural countryside location. To the North and East of the site are open fields. To the South East is a small industrial / business centre. The site is within Flood Zone 3.

4.2 The site comprises a parcel of land with an agricultural building housing a derelict mobile home and machinery associated with the running and maintenance of the Alpaca Farm. Immediately adjacent to this is the area in which the temporary residential building (subject to this application) is located. The building comprises a standard mobile home building with an extension perpendicularly attached to this. To the rear of these buildings is the area in which the Alpaca are kept. The Alpaca are split with females and males contained in separate areas. An Alpaca shelter is also located on the land here.

5.0 RESPONSES FROM CONSULTEES

5.1 The following responses have been received and these are summarised below. The full responses are available on the Council's web site.

The Ely Group Of Internal Drainage Board - 20 October 2021

This application for development is within the Littleport and Downham Internal Drainage District. The Board has no objections from a drainage point of view.

Local Highways Authority – 1st Consultation: 26 October 2021

The application states that there are two parking spaces on site although the spaces are not specifically shown on a plan. You may wish to seek a plan to show this or condition details to be submitted and approved.

Local Highways Authority – 2nd Consultation: 7 September 2022

I have no observations beyond those made previously in correspondence dated 26th October 2021.

Environmental Health - 18 October 2021

From reading the Covering Letter I understand that there are currently two mobile homes on site but that one is due to be removed "in the short term".

Waste Strategy (ECDC) - 22 October 2021

- o This retrospective application does not require consultation

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

Parish - No Comments Received

Ward Councillors – Comments were initially received from Councillor Bailey requesting a call in of the application should the application being recommended for refusal. Following notification that the application was recommended for approval Councillor Bailey confirmed she was supportive of this approach.

Environment Agency - No Comments Received

Enforcement Section - No Comments Received

- 5.2 A site notice was displayed near the site on 7 September 2022 and a press advert was published in the Cambridge Evening News on 15 September 2022.

- 5.3 Neighbours – five neighbouring properties were notified and no responses have been received.

6.0 THE PLANNING POLICY CONTEXT

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted East Cambridgeshire Local Plan (2015) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

- 6.2 *East Cambridgeshire Local Plan 2015*
 - GROWTH 1: Levels of housing, employment and retail growth
 - GROWTH 2: Locational strategy
 - GROWTH 4: Delivery of growth
 - GROWTH 5: Presumption in favour of sustainable development
 - HOU 5: Dwellings for rural workers
 - HOU 8: Extension and replacement of dwellings in the countryside
 - ENV 1: Landscape and settlement character

ENV 2:	Design
ENV 4:	Energy and water efficiency and renewable energy in construction
ENV 7:	Biodiversity and geology
ENV 8:	Flood risk
ENV 9:	Pollution
EMP 2:	Extensions to existing businesses in the countryside
COM 7:	Transport impact
COM 8:	Parking provision

6.3 Supplementary Planning Documents

Design Guide – Adopted March 2012

Contaminated Land: Guidance on submitted Planning Application on land that may be contaminated - Adopted May 2010

Developer Contributions and Planning Obligations – Adopted May 2013

Natural Environment SPD – Adopted September 2020

Climate Change – Adopted September 2021

6.4 National Planning Policy Framework 2021 (NPPF)

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

6.5 *Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021*

6.6 *Planning Practice Guidance*

7.0 PLANNING COMMENTS

7.1 **Principle of Development**

7.2 The proposal subject to this application seeks retrospective consent for the continued occupation of a temporary residential building.

7.3 Policy GROWTH 2 of the Local Plan 2015 sets out the overall strategy for the distribution of growth across the district. The policy is up-to date in Little Downham and aims to ensure that growth takes place in appropriate locations across the district. Outside defined development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. Limited development is permitted outside of development envelopes, and may be permitted as an exception, providing there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied.

7.4 Policy HOU5 of the Local Plan states that residential development in the countryside for full-time workers in agriculture, horticulture, forestry, stud and other

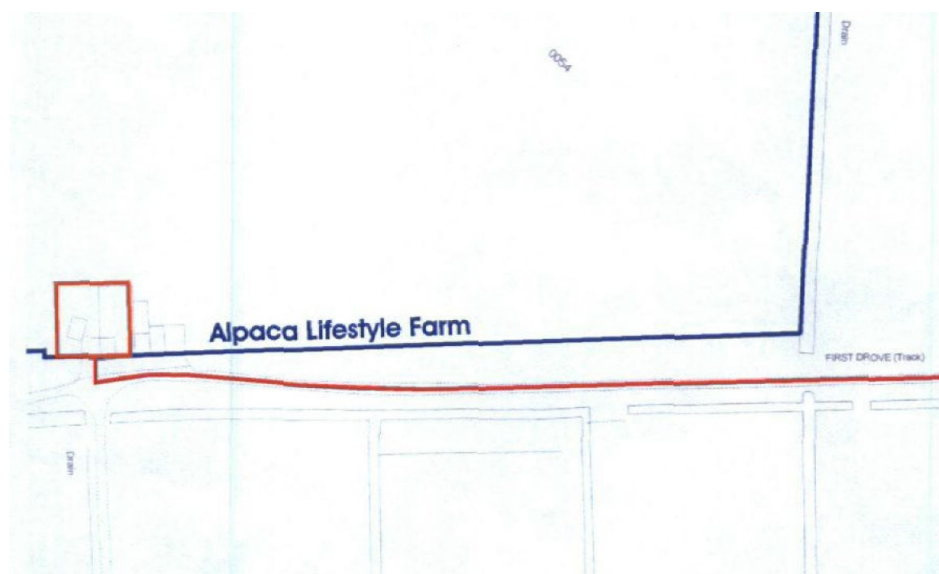
rural activities will be permitted as an exception to the normal policies of control, subject to strict criteria. The primary element of Policy HOU5 ensures that the proposal must demonstrate a clear and essential need for a dwelling in the countryside with the purpose of serving an agricultural operation.

- 7.5 Paragraph 80 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances. One such circumstance is the essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 7.6 Although not referred to in Paragraph 80, the Department for Levelling Up, Housing and Communities (DLUHC) guidance provides considerations to take into account when applying this part of the NPPF. This could include evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day). Other considerations include the degree to which there is confidence that the enterprise will remain viable for the foreseeable future, and in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.
- 7.7 *Background to the application*
- 7.8 Essential in considering the principle of development for the temporary residential building is understanding the complex site history of Alpaca Farm.
- 7.9 Application reference number 08/01030/FUL gave permission for the change of use to residential for the siting of a mobile home. It is understood from the 2008 permission that the applicant's intention was to establish an alpaca breeding herd following their initial purchase of 3 breeding females in 2003, increasing to 19 in 2009, gaining a herd of 16 animals in the space of six years. The 2008 application noted that the applicant required to live on the site in order to work full time on the farm. The application accepted the functional need for a worker to live in close proximity to the business in order for it to be successful. As no alternative accommodation was available, the proposal was considered acceptable.
- 7.10 The application was approved on 19th February 2009 for a temporary period, expiring 36 months from the date of the decision. This temporary consent allowed the provision of a caravan on the site until 19th February 2012. The caravan was required by condition to be removed after that date. The time limit condition was imposed in the interests of the visual amenity of the area. Condition 2 of that consent limited the occupation of the mobile home to be limited to a person solely or mainly employed in the agricultural enterprise as detailed on the business plan that accompanied with application.
- 7.11 However, it appears based on the evidence submitted in support of the current application, that the caravan was not removed from the site in accordance with that condition. The breach of the three-year temporary condition therefore appears to date from 19 February 2012.

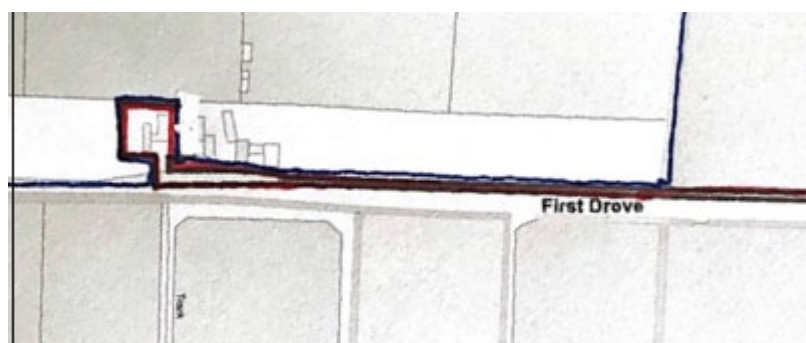
- 7.12 Later, in 2017 under reference no. 17/0110/FUL, permission for the erection of an agricultural dwelling was refused. The refusal reason is below:
- 7.13 *“A need for a dwelling for a rural worker has not been adequately justified in line with the requirements of Policy HOU5 of the East Cambridgeshire Local Plan 2015. The proposal is deemed to not meet the functional or financial test to demonstrate an essential need and is therefore contrary to policy HOU5 of the East Cambridgeshire Local Plan 2015 and paragraph 55 of the National Planning Policy Framework.”*
- 7.14 As indicated in the refusal reason above, the business need for the proposal was not justified. The Officer Report for that application states that the *“profit margins are not sufficient to justify a permanent dwelling the site and it is questionable whether a temporary dwelling should remain as the profit margins are not sufficient to support a full time worker whilst allowing re-investment in the business”*. Under the 2017 application no reference was made to the number of the Alpaca on site, however the comment regarding the profit margins has been noted. However, under the current application, Officers have been advised that that number of Alpaca on site is 26 - this is an increase of 7 Alpaca since the 2008 application.
- 7.15 Following refusal of the above application, Council Officers visited the site in 2017 and noted the mobile home that had been in place at least since the time of granting the temporary consent in 2008 (further photographs available to the Council noted the mobile home had been there on an image dated 18/12/2006). The Council Officers advised that one potential way of establishing a lawful use would be to submit a lawful development certificate. This application never came forward.
- 7.16 *Current application*
- 7.17 Turning to the matters of the current application, the applicant now seeks permission to regularise a temporary residential building that is located to the South West of the previously approved mobile home that has been on site since 2006. With the breach of the previous temporary condition commencing from 19th February 2012. Under Section 171B of the Town and Country Planning Act, where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach. Furthermore, in the case of any other breach of planning control (such as change of use or a breach of condition), no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach. These time limits indicate that to be immune from enforcement and therefore justify the granting of a certificate for the lawful residential use, the site must have been used in such way for a period over 10 years and any building used as a dwelling must have been used in such a way for four years.
- 7.18 It is understood from the information submitted with this application that the mobile home that was permitted under the 2008 application was rendered unsafe in 2017. The applicants sited a new mobile home on the site, close to the old one, connecting to existing utility services in the process. The applicants state they thought they could lawfully replace the old mobile home, given that Council Officers

had previously mentioned the potential route of a lawful development certificate. However, as the lawful development certificate had not come forward, the applicant had not certified the use of the land. The introduction of the new unit 'reset' the clock in terms of the time limits previously specified. In addition to this, although omitted from the information supplied with the application, it is known that this mobile home has since been extended during the 2020 lockdown. The works undertaken to the mobile home in 2020 mean that it can no longer be considered as a caravan. Again, this is considered to have reset the clock in terms of the four-year period required in order for a building in residential use to be immune from enforcement action.

- 7.19 Whilst the building has undergone ad-hoc extensions and replacement, the site itself remains broadly in a similar location to the 2008 consent. An extract of the location plan for 08/01030/FUL is shown below, demonstrating how red line boundary indicating the residential use is similar to the 2008 consent.



- 7.20 An extract of the location plan submitted under the current application is found below:



- 7.21 In assessing the application, the Council has considered the complex site history in respect of the principle of the development. Whilst at the time of submission, the development did not have a lawful full back position, it is acknowledged that the applicant has an extensive history with the site. All evidence suggests that the applicant has lived at the site since 2006.

- 7.22 In terms assessing the proposal under the rural workers policy, no information on the finances of the business have been submitted with the current application. The scale of the business has not increased to a significant extent over the past decade. It is therefore considered that the application has not demonstrated the need for a permanent dwelling on the site. Notwithstanding this, it is noted within planning caselaw that Alpaca have a number of different characteristics in comparison to other livestock, which make it necessary to live close to the animals to safeguard their well-being. Specific activities that would lead to the need for an on-site presence would be breeding, birthing and responding swiftly to complications that may arise from those activities. There is also a need to closely supervise and monitor the alpaca herd given the characteristics of the animal during times of illness.
- 7.23 Officers have considered the applicants' long-standing association with the land and are conscious of the tie the applicants have with the ongoing care of the Alpaca. It is clear that a residential use of the site has been ongoing for a significant period of time and considerable weight has been given to this relationship with the site. In this regard, the Council are sympathetic to the unique situation that presents itself and consider these as material in reaching a recommendation on this application.
- 7.24 It is noted that there would be few alternatives available to the applicants in terms of re-locating their residential use and their ongoing maintenance of the Alpaca Farm. The expansion of the Alpaca Farm business is considered limited in its viability considering the level of growth in the last 14 years. Therefore, given the applicants' personal circumstances and employment, it is considered unlikely that the business is going to grow to such scale that would be harmful to the area by way of visual, residential and highway harm.
- 7.25 There is a clear justification to be living on the site in terms of the functional link with the Alpaca Farm and any potential harm arising in terms of the residential use of the land is not considered significant to warrant refusal of the application. The level of harm is considered minimal and this harm could be mitigated in granting of a temporary permission. Therefore, it would be considered reasonable, in this instance, to allow an exception to policy in granting approval of the application, limiting the permission to the applicants and their lifetime.
- 7.26 On the basis of the above supporting factors, it is found that granting consent for the continued occupation of the temporary residential building could be justified as a departure from policy.
- 7.27 **Other Material Matters**
- 7.28 *Flood Risk*
- 7.29 Policy ENV8 of the East Cambridgeshire Local Plan 2015 states that the Sequential Test and Exception Test will be strictly applied across the district, and new development should normally be located in Flood Risk Zone 1. The site is located within Flood Risk Zone 3 and has been supported by a Flood Risk Assessment.

- 7.30 As the proposal is retrospective in nature and it was concluded in the principle of development section above that there would not be any other suitable locations for the siting of the residential building in conjunction with the Alpaca business, it is not required to apply the sequential test.
- 7.31 The Exception Test requires consideration of the wider sustainability benefits of a development and that the development would be safe and residual risks managed. As outlined in the above Principle of Development section of this report, granting approval of the proposal will enable the owner of the site to continue to live at the site. There is clear justification in needing to live at the site given the care the Alpaca require. Whilst an unusual situation, the applicants have lived in such a manner for a significant period of time and have managed any potential flood risk during this time. Therefore, it is considered that the residual risks can be managed through mitigation measures as outlined in section 5.2 of the submitted FRA and in this case these measures can be relied upon given the functional need of the building in this location. The floor level of the mobile home is estimated to be 1.0m above surrounding ground levels, providing some mitigation in the event of a breach. Additionally, it is recommended that occupier of the building should register with the Floodline Direct Warnings Service to receive any future flood warnings.
- 7.32 These mitigation measures can be secured through condition; therefore, the proposal would be compliant with Policy ENV8 of the Local Plan 2015.
- 7.33 *Residential Amenity*
- 7.34 Policy ENV2 of the ECLP requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers and that occupiers of new buildings enjoy high standards of amenity. This policy accords with Chapter 12 (particularly paragraph 130) of the National Planning Policy Framework (NPPF) which aims to achieve high standards of amenity.
- 7.35 The proposed building is considered to be far enough from neighbouring dwellings that the built form would not result in any significant overshadowing, visual intrusion, loss of light or be overbearing to any neighbouring properties. The occupiers of the building would benefit from sufficient external amenity space.
- 7.36 The proposal would therefore be compliant with Policy ENV2 of the Local Plan 2015 in terms of residential amenity.
- 7.37 *Visual Amenity*
- 7.38 Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV 2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.
- 7.39 In terms of the proposal's visual impact, views of the building are largely restricted from the public realm due to the access to the site located somewhat down an

unmade track off of Black Bank Road. Furthermore, the building is a modest structure that would not appear out of place in the context of the scale and number of other commercial buildings located between the site and Black Bank Road. Accordingly, the proposal would not adversely harm the area's character.

- 7.40 It is acknowledged that there are other structures on the land, however, those do not form part of the proposal and assessing whether these are acceptable or indeed require planning permission would be a separate matter for the Council to pursue.
- 7.41 Although the proposal results in a degree of harm to the countryside setting, this is outweighed by the applicants' personal need to live on site. Additionally, given the temporary permission, any harm arising will be removed when the site no longer being needed for such purposes by the applicants. As such, although the proposal is not in strict accordance with Local Plan policies in relation to its visual impact, the need for the proposal outweighs such harm.
- 7.42 *Highways*
- 7.43 Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network. Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards, which is two car parking spaces per dwelling.
- 7.44 Due to the low scale Alpaca business and the proposal benefiting only the use of one singular residential building, the proposal does not generate high volumes of daily traffic movements. No objection has been raised from the Council's Highway advisers in terms of any parking deficiency or shortfall, and from what was seen at the site, sufficient space together with parking and turning is available for the intended use. Although the access track to the site is unmade and informal in its nature, the site has been accessed this way for a number of years and therefore it would be unreasonable to request enhancements to the track for highways reasons without concerns to highways safety.
- 7.45 The proposal is therefore compliant with Policies COM 7 and COM 8 of the Local Plan 2015.
- 7.46 *Biodiversity*
- 7.47 Policy ENV1 of the Local Plan 2015 requires proposals to protect, conserve and enhance traditional landscape features and the unspoilt nature and tranquillity of the area. Policy ENV 7 of the ECDC Local Plan 2015 seeks to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds. The Natural Environment SPD Policy SPD NE6 also requires that all new development proposals should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

- 7.48 The baseline biodiversity of this building is considered generally low and no biodiversity enhancements are proposed. Based on the existing situation together with the temporary nature of the application it would not be considered necessary or reasonable to impose a condition requiring biodiversity enhancements.
- 7.49 *Human Rights*
- 7.50 The Human Rights Act 1998, sets out the basic rights of every person together with the limitations placed on these rights in the public interest. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the Convention rights. Members therefore need to satisfy themselves that any potential adverse impacts are acceptable and that any potential interference with Convention rights will be legitimate and justified, necessary and proportionate.
- 7.51 Convention rights likely to be relevant include Article 8 of the Convention, the right to respect for private and family life, which provides as follows:
- '(1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.'
- 7.52 Both public and private interests are to be taken into account in the exercise of the Council's powers and duties. Members must therefore carefully consider the balance to be struck between individual rights and the wider public interest. In granting a temporary personal consent, this is one way in which protection of such rights can be granted.
- 7.53 Were Members minded to refuse the application they need to satisfy themselves that any effect of this decision on the human rights of the applicant is clearly outweighed by the wider public interest. Any interference with a Convention right must be necessary and proportionate having regard to the Human Rights Act 1998.
- 8.0 **Planning Balance**
- 8.1 The proposal would result in the continued residential occupation on the site, in connection with an existing Alpaca Farming enterprise. Although a departure from Policy GROWTH 2 of the Local Plan, the Council has applied the proportionate weighting in the balance of the material considerations - in this case the extensive association with the site and the continued care of the Alpaca. It is considered unlikely for a suitable site within a development envelope to become available for such mix of uses. The applicant has indicated they will commit to the necessary mitigation to Flood Risk.

8.2 In addition, as identified above, it would be considered reasonable in this instance to grant a personal permission for the applicants' subject to a legal agreement securing that, when the site is no longer need, it should revert back to its previous agricultural use and any residential building should be removed.

8.3 On the above basis, the application is therefore recommended for approval, subject to conditions and Section 106.

9.0 **COSTS**

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

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

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

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

- The applicant's long association with the land

10.0 **APPENDICES**

10.1 Appendix 1 – Conditions

10.2 Appendix 2 – Decision Notice for 08/01030/FUL

10.3 Appendix 3 – Decision Notice for 17/00110/FUL

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/01156/FUL	Gemma Driver Room No. 011 The Grange Ely	Gemma Driver Planning Officer 01353 665555 gemma.driver@eastcambs.gov.uk

National Planning Policy Framework -

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

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 - 21/01156/FUL Conditions

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

Plan Reference	Version No	Date Received
Location Plan		8th July 2022
Flood Risk Assessment		13th October 2022

- 1 Reason: To define the scope and extent of this permission.
- 2 Within three months of date of this permission, a Flood Contingency Plan for the development, which should include an appropriate method of flood warning and evacuation to ensure the safe use of the development in extreme circumstances, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details before the development is occupied or the use commenced.
- 2 Reason: To reduce the impacts of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.

Mr Stephen Cole
Alpaca Lifestyle Farm
First Drove
Little Downham
Ely
Cambridgeshire
CB6 2UB

This matter is being dealt with by

Lucie Turnell

Telephone: 01353 665555
E-mail: lucie.turnell@eastcambs.gov.uk
My Ref: 08/01030/FUL
Your Ref:

Dear Sir/Madam

19th February 2009

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PERMISSION

Subject to conditions

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

Proposal: Change of use to residential for siting of mobile home.
Location: Farm Buildings First Drove Little Downham Cambridgeshire
Applicant: Mr Stephen Cole

This consent for planning permission is granted in accordance with your application reference **08/01030/FUL** registered 9th December 2008 and the plans, drawings and documents, which form part of the application subject to the additional conditions set out below:

ADDITIONAL CONDITIONS

- 1 This permission shall be for a limited period only expiring 36 months from the date of this decision at which time the caravan hereby permitted shall be removed and the land reinstated to its former condition.

Reason: To ensure that planning control is retained by the Local Planning Authority and to protect the visual amenity of the area.

DCPEFULZ

- 2 The occupation of the mobile home hereby approved shall be limited to a person solely or mainly employed in this particular agricultural enterprise as detailed in the business plan that accompanies this application and which occupies the plot edged red/blue on the approved plans.

Reason: To ensure compliance with the restrictive housing in the countryside policies of the Local Plan.

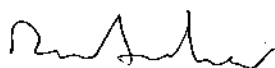
- 3 No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan detailing boundary treatment which should include planting to the southeast boundary. The boundary treatment shall be completed before the change of use commences. Development shall be carried out in accordance with the approved details.

Reason: To ensure adequate screening within this rural location.

INFORMATIVES RELATING TO THIS APPLICATION

- 1 Approval has been granted because the proposal is broadly in accord with the policies of the current Development Plan. It is considered that it would not raise any adverse issues of either visual or residential amenity, or introduce any elements detrimental to highway safety that cannot be addressed by the imposition of suitable conditions. The design, siting and materials have been assessed as being in accord with the character and appearance of the locality.
- 2 The approved plans for this application are Location plan 1:1250 and 1:2500, sheet 3 and sheet 3a and the development shall be completed strictly in accordance with these plans.
- 3 This decision has been made in accordance with Policies 86, 89 and 90 of the East Cambridgeshire Local Plan June 2000 following consideration of the business plan for the Alpaca Lifestyle Farm, which accompanies this application.
- 4 This decision has also been made in accordance with PPS7.

PLEASE ALSO NOTE THAT THIS PERMISSION IS GRANTED SUBJECT TO DUE COMPLIANCE WITH THE BYE-LAWS AND GENERAL STATUTORY PROVISION IN FORCE IN THE DISTRICT AND DOES **NOT** CONSTITUTE APPROVAL UNDER BUILDING REGULATIONS. YOU ARE ADVISED TO CONTACT THE BUILDING REGULATIONS SECTION IF YOU WISH TO DISCUSS THIS FURTHER



Dated: 19th February 2009

Executive Director Development Services

DCPEFULZ

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

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

Purchase Notices

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



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

Telephone: Ely (01353) 665555
DX41001 ELY Fax: (01353) 665240
www.eastcambs.gov.uk

Mr S R Cole
Alpaca Lifestyle Farm
First Drove
Little Downham
Ely
Cambridgeshire
CB6 2UB

This matter is being dealt with by:

Oli Haydon

Telephone: 01353 616360
E-mail: oli.haydon@eastcambs.gov.uk
My Ref: 17/00110/FUL
Your ref

26th June 2017

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

The Council hereby **refuses** the following:

Proposal: **Erection of a Agricultural Dwelling**
Location: **Alpaca Lifestyle Farm First Drove Little Downham Ely Cambridgeshire**
Applicant: **Mr S R Cole**

The Council hereby refuses permission for the application reference **17/00110/FUL** registered 13th March 2017.

REASONS FOR REFUSAL

1 A need for a dwelling for a rural worker has not been adequately justified in line with the requirements of Policy HOU5 of the East Cambridgeshire Local Plan 2015. The proposal is deemed to not meet the functional or financial test to demonstrate an essential need and is therefore contrary to policy HOU5 of the East Cambridgeshire Local Plan 2015 and paragraph 55 of the National Planning Policy Framework.

INFORMATIVES RELATING TO THIS APPLICATION

1 The decision to refuse this application has been taken, having regard to the policies and proposals in the Local Development Plan and all relevant material considerations, including the NPPF. The

proposal is considered to be unsustainable and the applicant was informed of officer concerns regarding the lack of essential need. The proposal is therefore contrary to the provisions of the NPPF.

A handwritten signature in black ink, appearing to read 'Rebecca Saunt', written in a cursive style.

Rebecca Saunt
Planning Manager

Dated: 26th June 2017

22/00450/FUL

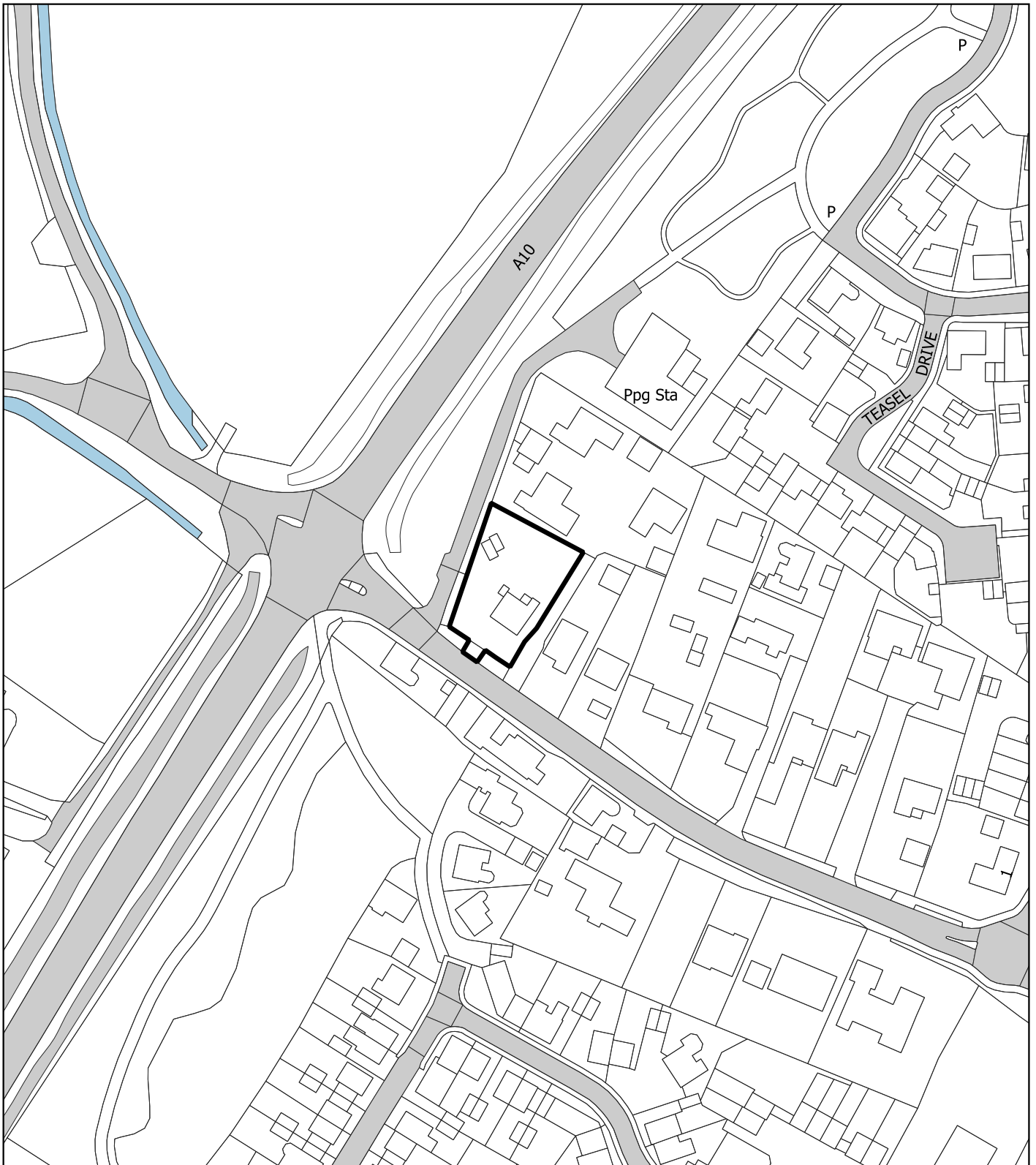
162 West Fen Road
Ely
Cambridgeshire
CB6 3AD

Demolition of existing bungalow & erection of 2 No. four bed dwellings with new combined access, along with associated parking, turning & site works

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RA9WEZGGFOF00>





22/00450/FUL

162 West Fen Road
Ely



East Cambridgeshire
District Council

Date: 11/11/2022
Scale: 1:1,500



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MAIN CASE

Reference No: 22/00450/FUL

Proposal: Demolition of existing bungalow & erection of 2 No. four bed dwellings with new combined access, along with associated parking, turning & site works

Site Address: 162 West Fen Road Ely Cambridgeshire CB6 3AD

Applicant: Lildex Property Ltd

Case Officer: Rachael Forbes Planning Officer

Parish: Ely

Ward: Ely West

Ward Councillor/s: Sue Austen
Paola Trimarco
Christine Whelan

Date Received: 13 April 2022

Expiry Date: 7 December 2022

Report Number [X121]

1.0 RECOMMENDATION

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

Policy ENV2 of the East Cambridgeshire District Council’s Local Plan 2015 requires that proposals ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity. The proposal would result in a significant adverse impact to residential amenity by virtue of a first-floor bedroom window in the rear elevation of plot 2 which would overlook the garden and rear elevation of the neighbouring dwelling, 160c West Fen Road. The overlooking is more severe than in the scheme previously permitted as the first-floor window is materially closer to the neighbouring dwelling. The proposal is therefore considered to be contrary to Policy ENV 2 of the East Cambridgeshire Local Plan, 2015.

2.0 SUMMARY OF APPLICATION

The application seeks planning permission for the demolition of the existing bungalow and the erection of two, four bed dwellings, with new combined access and parking, turning and site works.

The proposal has been amended during the course of this application. The rear facing window on the projecting element of Plot 1 has been relocated to the side elevation. Soft landscaping has also been addressed following the Trees Officer's initial comments.

The application has been called in to Planning Committee by Cllr Christine Whelan for the following reason:

'I would like the planning committee to look this application. The developers have assured me that they have met all the requirements needed and have altered their plans to comply with any adjustments that were highlighted, so I am calling this application into committee to be looked at and a decision made by them. I am aware though that there have been some objections to this application.'

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

20/00944/FUL	Demolition of existing dwelling & garage/shed and construction of 2no. three bedroom, two storey detached dwellings (phased development)	Approved	14.01.2021
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4.0 THE SITE AND ITS ENVIRONMENT

The application site is situated within the development envelope of Ely. The plot is situated on the edge of Ely, adjacent to the A10 and currently consists of a single bungalow and associated garden and parking. The boundary treatments consist of fencing and hedging. The surrounding area consists of residential dwellings and the A10 is situated to the west of the site.

5.0 RESPONSES FROM CONSULTEES

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

Environmental Health - 20 September 2022

'Thank you for consulting me on the above proposal. I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission due to the proposed sensitive end use (residential), as with the previous application 20/00944/FUL.'

Local Highways Authority - 29 April 2022

'I do not object to this application. The proposed development will have no impact upon the highway above the previously approved 20/00994/FUL.

However, I would recommend that as part of the access works, the footway to the west of the site is extended to the access to allow for pedestrian connectivity. In any case, the existing dropped kerb should be removed, and the footway reinstated once the new access is constructed.

Please append the following conditions and informative to any permission granted:

HW7A: The existing access to West Fen Road shall be permanently and effectively closed and the footway / highway verge shall be reinstated in accordance with a scheme to be agreed with the Local Planning Authority, within 28 days of the bringing into use of the new access.

HW8A: Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on the drawing JP-2022-007-2.'

CCC Growth & Development - No Comments Received

ECDC Trees Team - 24 May 2022

'No tree related objections to the development but the soft landscaping will require some tweaks and additional information as the indicated Rowan adjacent to the parking area and the one to the side of plot 1 will be unsuitable for long term retention as they will overhang the adjacent to parking area, driveway and footpath. This species of tree produces berries that can pose a slip hazard as well as making a mess and attracting unwanted insects such as Wasps, Ants etc.

A suitable alternative could be *Gleditsia triacanthos* 'Draves Street Keeper' (Upright Honey Locust) - Medium-size tree with a narrow pyramidal crown, grows half as wide as it does tall, mostly thorn less with olive green twigs, the leaves are glossy dark and turn vivid yellow in the autumn, thriving on most soils, *Cercidiphyllum japonicum* (Katsura) - rounded leaves pink when young but turn bright green in summer, then take on orange, red and yellow colours in autumn, after the leaves are shed, they release a really sweet smell, which is similar to caramel-candyfloss or *Liquidambar styraciflua* 'Slender silhouette' (upright Sweet Gum) - narrow columnar tree with a strong architectural form and striking autumn colour with leaves turning yellow, orange and red before leaf fall.

The trees indicated for the rear garden must be planted 1-1.5m from the boundary as a minimum to allow then sufficient room to develop without impacting on the boundary fencing.

Due to the usage of the area adjacent to the proposed new hedge and the sites location I would suggest that a single species native hedge would be more suitable

than a mixed one, I suggest that the most suitable option would be Hawthorn (Crataegus monogyna) this is also a very wildlife friendly species.

The loss of the existing conifer hedge on the eastern boundary should also be mitigated as it will currently be providing significant nesting opportunities for the wild bird population. This could be accomplished via suitable shrub or hedge planting in the rear gardens of the proposed properties.

The soft landscaping details can be confirmed by condition if required.'

Environmental Health - 25 April 2022

'Due to the proposed number of dwellings and the close proximity of existing properties I would advise that construction times and deliveries during the construction and demolition phases are restricted to the following:

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

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

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

Ward Councillors – 5 September 2022

Cllr Christine Whelan - 'I would like the planning committee to look this application. The developers have assured me that they have met all the requirements needed and have altered their plans to comply with any adjustments that were highlighted, so I am calling this application into committee to be looked at and a decision made by them. I am aware though that there have been some objections to this application.'

Waste Strategy (ECDC) - No Comments Received

Consultee For Other Wards In Parish - No Comments Received

Cambs Wildlife Trust - No Comments Received

Following receipt of amended plans:

Environmental Health - 8 September 2022

'I have no additional comments to make at this time.'

Local Highways Authority - 20 September 2022

'The amended plans do not appear to change the access, parking or turning arrangements within the site. The observations made previously in correspondence dated 29th April 2022 therefore replicable and I would recommend that the same conditions and informative be appended to any permission granted.'

Parish - 29 September 2022

'Amended planning application 22/00450/FUL was considered at the City of Ely Council's Planning Committee on the 28th September 2022. The City of Ely Council's comments are as follows: -

The City of Ely Council has no concerns with regards to this application.'

ECDC Trees Team - 26 September 2022

'The revised soft landscaping details are acceptable please condition compliance with the scheme.'

5.2 A site notice was displayed near the site on 26 April 2022.

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

- Parking on the road outside of the property which makes it difficult to see the traffic leaving the A10;
- Concerns regarding parking when demolition begins, including parking in the neighbouring driveway or using it as a turning point;
- Eight bedrooms gives potential for 16 cars plus visitors which will lead to parking on one of the most dangerous junctions in Ely;
- Daily incidents occur from impatient drivers waiting to get in and out of Ely. If unrestricted parking on the road is allowed, traffic turning left from the A10 would have to swerve onto the left-hand side of the road, potentially into oncoming traffic;
- The proposed layout does not result in sufficient space for cars to leave in a forward gear without driving over the neighbour's drive – the site could provide more spaces per unit;
- Items for the committee to consider – double yellow lines from the left turn onto West Fen Road to the mini roundabout and enforcement of this, no builders parked on the road while the work is in progress, a new look at safety on this junction and possible consideration of other uses on this site;
- Preferable that the bungalow remained but the site will be developed and it is hoped that previous limitations are adhered to; the proposed dwelling will

project further back and be higher than previously approved, blocking light to the dining room and kitchen;

- The hedge is proposed to be removed – this supports a huge amount of wildlife and insulates properties from noise;
- In the previous application, it was stipulated that the trees in the back garden should be preserved, the shrub trees have already been removed.

Following receipt of amended plans:

- Reiteration of concerns regarding parking and highway safety.

6.0 The Planning Policy Context

6.1 *East Cambridgeshire Local Plan 2015*

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution

6.2 Supplementary Planning Documents

Design Guide – Adopted March 2012
Contaminated Land: Guidance on submitted Planning Application on land that may be contaminated - Adopted May 2010
Developer Contributions and Planning Obligations – Adopted May 2013
Natural Environment SPD – Adopted September 2020
Climate Change – Adopted September 2021

6.3 *National Planning Policy Framework 2021*

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

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

The main considerations in the determination of this application are the principle of development, visual amenity, residential amenity, highway safety and parking, ecology and trees, flood risk and drainage, contaminated land, climate change and any other matters.

7.1 Principle of Development

Policy GROWTH 2 of the East Cambridgeshire Local Plan, 2015 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport with Ely being the most significant service and population centre in the district and a key focus for housing, employment and retail growth.

Policy GROWTH 2 goes on to state that within defined development envelopes housing, employment and other development to meet local needs will normally be permitted – provided that there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations are satisfied.

The site is located within the development envelope of Ely and therefore the principle of development in this location would be considered acceptable subject to satisfying all other relevant material planning considerations.

7.2 Visual Amenity

7.2.1 Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV 2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.

7.2.2 The application proposes the demolition of the existing bungalow at the site and the erection of two dwellings. A previous application has been approved at the site under application reference 20/00944/FUL for two, three-bedroom detached dwellings.

7.2.3 The proposed dwellings measure approximately 7.2 metres (~23.5ft) in height, 9 metres (~29.5ft) in width and 15 metres (~49ft) in length at its longest point. This is a similar scale to the previously approved dwellings which were 7.1 metres (~23ft) in height, 9 metres (~29.5) in width and 11 metres (~36ft) in length. As with the previous permission, the proposals have incorporated a dormer window in both the principal and rear elevations, which are seen in many dwellings in the street scene. The dwellings are of a similar design to those previously approved but will project further back in to the site. However, the plots are large being approximately 440sqm (0.11 acres per plot), comfortably exceeding the 300sqm (~0.07acres) plot size guidance set out in the District Design Guide, and it is considered that the projection into the site would not be objectionable in respect of design or impact on the character and appearance of the area.

7.2.4 As part of the amended plans, the first-floor window on the rear projection of Plot 1 has been moved to the side elevation of the projection in an attempt to avoid an overlooking impact to the neighbouring dwelling. Officers raised concern that this would result in a blank rear projection at first floor level which lacks visual interest and would not represent good design. However, there are other windows on the rear elevation and the rear projection is proposed to be dark grey composite

boarding which will contrast with the buff brick. It is therefore considered that while it would be preferable to retain a window, from a design perspective, that the lack of one window would not be significant enough to warrant a refusal on that basis.

- 7.2.5 The materials proposed are buff brickwork with dark grey composite boarding on the rear projection and a small section of the principal elevation, Weinberger Shire dark grey pantiles, upvc windows and grey powder coated aluminium sliding folding doors to the rear elevation. These materials are considered to be appropriate; they are similar to those previously approved and West Fen Road has a mixture of materials in the streetscene.
- 7.2.6 As part of the amended plans, a soft landscaping plan has been submitted. There have been comments received that as part of the previous application, it was stipulated that the trees in the back garden should be preserved and that the shrub trees have been removed. The conditions for application 20/00944/FUL stipulated that hedging should not be removed without the prior written approval of the Local Planning Authority and that prior to occupation, the details of the new tree planting should be submitted and approved. As part of this application, the Trees Officer commented that while there were no tree related objections to the application, the soft landscaping scheme would need to be tweaked for various reasons as set out in the 'responses from consultees' section of this report. Following receipt of amended plans, the Trees Officer was satisfied with the soft landscaping scheme and has requested a compliance condition to ensure it is implemented.
- 7.2.7 It is considered that the proposed dwellings are in keeping with the street scene and would not result in significant harm to the character and appearance of the area and are therefore considered to comply with Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.

7.3 Residential Amenity

- 7.3.1 Policy ENV2 of the East Cambridgeshire District Council's Local Plan 2015 requires that proposals ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 7.3.2 162 West Fen Road has one immediate neighbour to the east/south east, 160 West Fen Road and there are a group of dwellings to the north/north east, 160a, 160b and 160c West Fen Road. 160c West Fen Road is the closest of these being adjacent to the northern boundary.
- 7.3.3 160c West Fen Road is situated close to the boundary with 162 West Fen Road. It has two garden areas, one to the west of the dwelling which is accessed via the conservatory, and one to the east of the dwelling which is accessed from the living room by bi-fold doors. On the rear elevation at ground floor level in the elevation facing the site are windows that serve the kitchen and dining room as well as the side elevation of the conservatory. At first-floor level, there is a bathroom window.
- 7.3.4 During the course of the previous application, 20/00944/FUL, amendments were made to the proposal as the design was not considered to be appropriate but there were also concerns regarding the resulting overlooking impact to the neighbouring

dwelling, 160c West Fen Road. Amended plans were submitted and although the officer report concluded that the distances involved would not result in a significant overlooking impact that would warrant refusal, it was considered that there was still likely to be some impact, largely due to the fact that the existing dwelling at the site is a single storey dwelling, while the approved dwelling was to be two storey. The impact in that case was considered to be just within acceptable limits.

- 7.3.5 The rear elevation of the previous proposal was roughly in line with that of the neighbouring dwelling, where there are first floor windows present. Based on the plans submitted with the previous application, the first-floor windows of plot 1 nearest to the boundary with 160c were situated 15.6 metres (~51ft) from the rear boundary of the plot and 18.2 (~60ft) from the rear elevation of 160c West Fen Road itself. The nearest first floor windows of plot 2 were 17.8 metres (~58ft) from the boundary and 19 metres (~62ft) from 160c West Fen Road itself.
- 7.3.6 Plot 1 has been amended during the course of the current application so that the first-floor window on the rear projection now faces west towards the A10, rather than towards the neighbouring dwelling. Based on the plans submitted with the current application, Plot 1 would therefore be situated so that the nearest first floor rear facing windows are 15.8 metres (~52ft) from the boundary with 160c West Fen Road and 18 metres (~59ft) from the dwelling itself which is comparable with the previous permission. On the basis of the amendments made during this application, the overlooking impact from Plot 1 is considered similar to the approved scheme.
- 7.3.7 However, Plot 2 has two sets of rear facing first floor windows, the nearest of which, based on the plans situated with the current application would be situated approximately 12.9 metres (~42ft) away from the boundary and 14.3 metres (~47ft) from the dwelling itself. Plot 2 still has a window on the rear projection facing 160c West Fen Road. Unlike with Plot 1, moving that window to the side elevation was not an option as it would have resulted in an unacceptable overlooking impact to the gardens of neighbouring properties on either side. This window in the position proposed would be approximately 5 metres closer to the rear boundary of the site than in the previous approval and would overlook the back of 160c West Fen Road and the garden to the eastern side of the dwelling at a significantly closer distance to that previously approved. This distance would also be materially closer to 160c than the existing two storey first floor windows at 160 West Fen Road. It is considered that this would result in a significant adverse impact to the residential amenity of the occupants of 160c.
- 7.3.8 There has been concern raised that as the dwellings are further back in the site and will be higher than previously approved that the proposal will result in light being blocked to the dining room and kitchen of 160c West Fen Road. While the dwellings do project further back in the site, the rear projections are not the full width of the dwelling and are also lower in height than the main ridge. Although the dwellings are to the south of 160c, it is considered that they would not cause a significant overshadowing impact or loss of light to number 160c West Fen Road. Plot 2 is set close to the boundary of the site and is separated by a private drive from 160 West Fen Road. It is considered that there may be some overshadowing to the flank elevation of 160 West Fen Road in the late/afternoon evening, however there is only one small window present on this elevation and therefore the impact

would be minimal. The rear projection is set away from the boundary and is lower and height and it is therefore considered that it would not result in a significant overshadowing impact.

- 7.3.9 In respect of overbearing, it is considered that there are sufficient distances between the proposed dwellings and neighbouring properties as not to result in a significant overbearing impact.
- 7.3.10 The Council's Environmental Health Officer has been consulted as part of the proposal and has commented that due to the proposed number of dwellings and the close proximity of existing properties, it is advised that construction times and deliveries during the construction are controlled and if piling is necessary that a piling method statement be required by condition.
- 7.3.11 The proposed development is considered to result in a significant overlooking impact to the dwelling to the rear of the site, number 160c West Fen Road by having a first-floor window on the rear projecting element of Plot 2. This window is set further into the plot than the approved scheme and projects beyond the existing first floor windows at 160 West Fen Road. The proposal will not only result in actual overlooking from the proposed development but also an increase in perceived overlooking given that the existing dwelling at the site is a bungalow. The proposal is therefore considered to be contrary to Policy ENV 2 of the East Cambridgeshire Local Plan, 2015.

7.4 Highway Safety and Parking

Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network. Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards.

- 7.4.1 There has been much concern raised around the highway safety aspects of the development, particularly in relation to the parking during construction, parking on the road, inadequate parking provision and the impact of the development on the private drive leading to the properties 160a, 160b and 160c West Fen Road.
- 7.4.2 The proposal seeks to have a singular access serving both dwellings, central to the existing accesses which would be closed. This is a very similar arrangement to that approved under 20/00994/FUL. The Local Highway Authority (LHA) has been consulted as part of the application and has commented that it has no objections and that the proposed development will have no additional impact upon the highway above the previously approved 20/00994/FUL. It has recommended that as part of the access works, the footway to the west of the site is extended to the access to allow for pedestrian connectivity but in any event the existing dropped kerb should be removed and the footway reinstated once the new access is constructed. A similar access arrangement was proposed under 20/00994/FUL and the extension of the footway was not required. As a result, it is considered that it would be unreasonable to seek that the footway be extended as this was not requested as part of the previous application.

- 7.4.3 The LHA has requested conditions that the existing access shall be permanently and effectively closed and the footway/highway verge reinstated in accordance with a scheme to be agreed by the Local Planning Authority and that no gates, fences or walls be erected across the vehicular access. Under the previous application, the LHA had commented that *'due to the close proximity to the A10, the applicant must ensure that adequate provision is made for vehicles required to access the site during the construction period, to ensure that West Fen Road does not become obstructed.'* It also requested a condition be imposed on any permission granted that temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. This information was requested through the imposition of a condition for a Construction Environmental Management Plan (CEMP). It is considered that given the location of the site, in close proximity to a busy junction, that it would be necessary to condition a CEMP as per the previous application, were permission being approved.
- 7.4.4 There has been concern raised that parking outside the property makes it difficult to see traffic leaving the A10 when exiting the neighbouring private driveway and that the increase in bedrooms could result in up to 16 cars which will then park on the road. There have also been comments that given the size of the site that the parking provision could be increased. The parking standard as set in Policy COM 8 of the East Cambridgeshire Local Plan, 2015 is two car parking spaces per dwelling which has been provided and therefore it would not be reasonable to seek further car parking spaces. Furthermore, West Fen Road has no parking restrictions (double yellow lines, etc) and therefore the Local Planning Authority cannot prevent on street parking. Dangerous parking would be a matter for the police, but it is not considered that the proposed development would encourage such parking.
- 7.4.5 There have been comments received which set out some suggested items for consideration by the planning committee, three of which relate to highway safety and parking. They are the provision of double yellow lines from the left turn onto West Fen Road to the mini roundabout and enforcement of this, no builders parked on the road while the work is in progress and a new look at safety on this junction. The conditioning of a Construction Environmental Management Plan (CEMP) could include a commitment to prevent builders parking on the road. The remaining items are largely outside the scope of this application and are likely a Local Highway Authority matter rather than a Local Planning Authority matter.
- 7.4.6 It is considered that the proposal would not result in a significant adverse impact to highway safety and provides sufficient car parking and is therefore considered to comply with Policies COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015.

7.5 Ecology and Trees

- 7.5.1 Policy ENV 7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required to protect the biodiversity and geological value of land and buildings and

minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds. Policy ENV 1 states that development proposals should protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls and their function as ecological corridors for wildlife dispersal. Policy ENV 2 states that all development proposals will be expected to make efficient use of land while respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area.

- 7.5.2 The Council has adopted the Natural Environment SPD which states that all developments must result in biodiversity net gain.
- 7.5.3 There have been comments received that the proposed hedge will be removed and this supports a huge amount of wildlife and that in the previous application it was stipulated that the trees in the back garden should be preserved but the shrub trees have already been removed. In the officer report for 20/00944/FUL, it states that the hedge was to be retained and given that this was the main ecological feature it would be reasonable to condition its retention. The trees at the front of property were proposed to be removed; it was conditioned that details of the replacement tree planting were to be submitted and approved in writing.
- 7.5.4 The current scheme proposes the removal of the hedge and trees to the front and rear of the site. The proposal includes six replacement trees, two new sections of hedge to the front of the site and additional planting to the rear gardens along the boundary. There is also the provision of hedgehog holes and bat and bird boxes. The Trees Officer has commented that the soft landscaping details are acceptable and to condition compliance with the scheme.
- 7.5.5 The trees are being replaced with appropriate species as suggested by the trees officer. While there is a large amount of hedging to be removed, this has been mitigated by the planting of new hedging and planting in the rear garden. It is considered that the proposal would not result in a loss of biodiversity habitat on site. Other measures are proposed in principle to enhance biodiversity and these could be conditioned to achieve the necessary biodiversity net gain were permission being granted. It is therefore considered that the application complies with Policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan, 2015 and Natural Environment SPD, 2020 and paragraph 180(d) of the NPPF.

7.6 Flood Risk and Drainage

- 7.6.1 Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. The sequential and exception test will be strictly applied across the district and new development should normally be located in flood zone 1; the application site is situated in flood zone 1 and therefore is considered to be acceptable.
- 7.6.2 The proposed site layout (JP-2022-007-2 Rev A) states that surface water drainage will be disposed of via soakaways and foul water will be disposed of via the mains sewer. Due to its location in Flood Zone 1, the Internal Drainage Board (IDB), Anglian Water, Environment Agency (EA) and the Lead Local Flood

Authority (LLFA) have not been consulted. Those bodies were consulted on the previous application with only the IDB responding. The IDB stated that it had no objections. The method of disposal is the same for this application as it was on the previous one.

- 7.6.3 It is therefore considered that the proposal would not result in a significant adverse impact in respect of flood risk and is therefore considered to comply with Policy ENV 8 of the East Cambridgeshire Local Plan, 2015.

7.7 Contaminated Land

- 7.7.1 Policy ENV 9 states that all development should minimise and where possible reduce all emissions and other forms of pollution, including light and noise pollution and ensure no deterioration in air and water quality.
- 7.7.2 The Council's Scientific Officer has recommended a condition that if any unexpected contamination is found that works ceases and is reported to the Local Planning Authority is attached to any grant of permission due to the proposed sensitive end use (residential), as with the previous application 20/00944/FUL.
- 7.7.3 The proposal is therefore considered to comply with Policy ENV 9 of the East Cambridgeshire Local Plan, 2015.

7.8 Energy, water efficiency and renewable energy in construction

- 7.8.1 Local Plan Policy ENV4 states: '*All proposals for new development should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable*' and '*Applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction.*' The adopted Climate Change SPD encourages all development to include sustainability measurements within their proposal. No measures have been put forward. While this is regrettable, given the scale of the proposed development and the fact that the site already benefits from a similar permission, it is considered that this would not warrant in a reason for refusal of the application in this case.

8.0 Planning Balance

- 8.1 The proposal seeks the erection of two dwellings which are of a similar layout and scale to that approved under application reference 20/00944/FUL, however the dwellings project further back into the site than under application 20/00944/FUL. The officer report of that application concluded that it was considered that there was likely to be some impact in respect of overlooking that given the distances involved it was not significant as to warrant refusal. This application brings the windows closer to the neighbouring dwelling and is considered to result in a significant overlooking impact, contrary to Policy GROWTH 2. The application is therefore recommended for refusal.

9.0 Costs

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

10.0 Appendices

- 10.1 None

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
22/00450/FUL	Rachael Forbes Room No. 011 The Grange	Rachael Forbes Planning Officer 01353 665555
20/00944/FUL	Ely	rachael.forbes@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 – September 2022

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

All figures include all types of planning applications.

Determinations

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Determinations	132	3	18	34	13	30	34
Determined on time (%)		100% (90% within 13 weeks)	89% (80% within 8 weeks)	88% (90% within 8 weeks)	92% (90% within 8 weeks)	83% (80% within 8 weeks)	100% (100% within 8 weeks)
Approved	121	3	14	31	11	30	32
Refused	11	0	4	3	2	0	2

Validations – 93% validated within 5 working days (ECDC target is 75%)

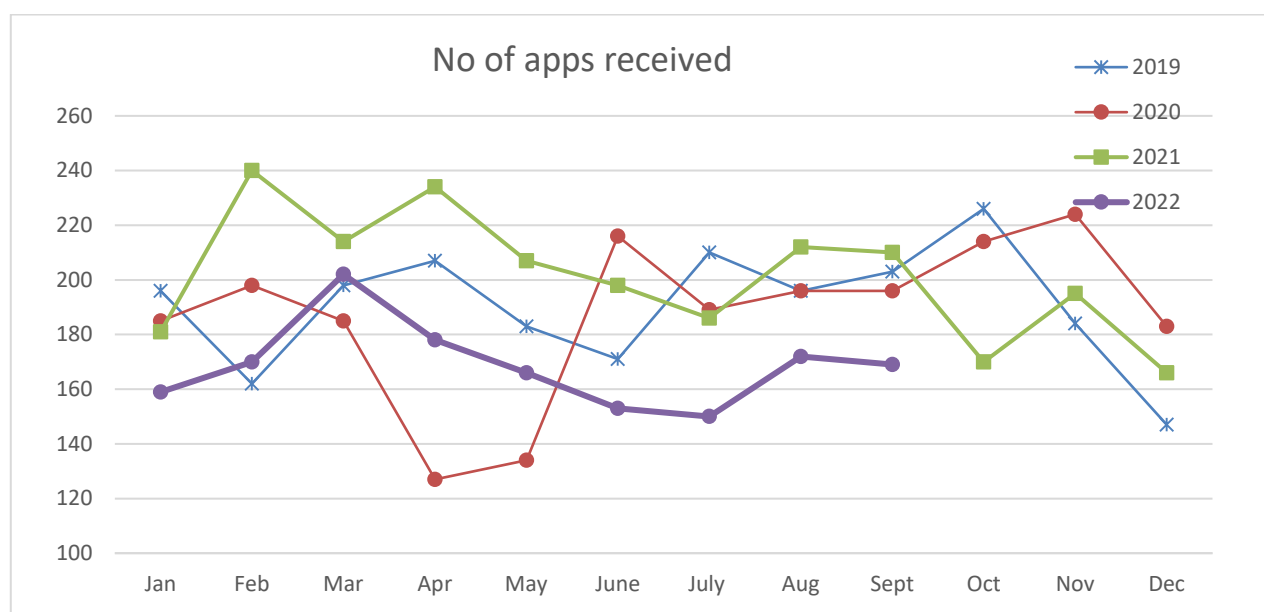
	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Validations	172	3	35	45	13	41	35

Open Cases by Team (as at 31/10/2022)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Team 1 (3 FTE)	103	6	25	23	13	36	0
Team 2 (2 FTE)	90	8	8	30	16	28	0
Team 3 (3 FTE)	137	5	47	20	33	32	0
Team 4 (1.8 FTE)	116	3	9	35	21	48	0
No Team (5 FTE)	132	36	28	1	17	19	31

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

The Planning department received a total of 169 applications during September which is a 20% decrease of number received during September 2021 (210) and 2% decrease to the number received during August 2022 (172).



Valid Appeals received – 0

Appeals decided – 2

Planning reference	Site address	Decision Level	Appeal Outcome
21/01774/FUL	Highfield House Upend Newmarket	Delegated	Dismissed
ENFORCEMENT	Wildtracks Offroad Activity Park Chippenham Road		Appeal Dismissed – Enforcement Notice Varied

Upcoming Hearing dates – 1

Planning reference	Site address	Decision Level	Date of Hearing
20/00591/FUL	Land Rear Of The Rectory Main Street Little Downham	Delegated	24/01/2023

Enforcement

New Complaints registered – 26 (3 Proactive)

Cases closed – 26 (0 Proactive)

Open cases/officer (2.6FTE) – 189 cases (25 Proactive)/2.6 = 73 per FTE

Notices served – 2

Notice Type	Site address	Date Served
Enforcement Notice	23 Forehill Ely	08/09/2022
Enforcement Notice	Garages 3-5 Perch Chase Soham	27/09/2022

Comparison of Enforcement complaints received during September

Code	Description	2021	2022
ADVERT	Reports of unauthorised adverts	0	0
COND	Reports of breaches of planning conditions	4	3
CONSRV	Reports of unauthorised works in a Conservation Area	0	0
DEM	Reports of unauthorised demolition in a Conservation Area	0	0
HEDGE	High Hedge complaints dealt with under the Anti-Social Behaviour Act	0	0
LISTED	Reports of unauthorised works to a Listed Building	0	0
MON	Compliance Monitoring (NEW TYPE)	0	1
OP	Reports of operational development, such as building or engineering works	5	6
OTHER	Reports of activities that may not constitute development, such as the siting of a mobile home	0	2
PLAN	Reports that a development is not being built in accordance with approved plans	1	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	3	9
TOTAL		13	26