



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

**MEETING: PLANNING COMMITTEE**

**TIME: 1:00pm**

**DATE: Wednesday, 1<sup>st</sup> July 2020**

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

**ENQUIRIES REGARDING THIS AGENDA: Janis Murfet**

**DIRECT DIAL:(01353) 665555 EMAIL: Janis.murfet@eastcamb.gov.uk**

## **Membership:**

### **Conservative Members**

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

### **Liberal Democrat Members**

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

### **Independent Member**

Cllr Sue Austen  
(Lead Member)

### **Substitutes:**

Cllr David Ambrose Smith  
Cllr Lis Every  
Cllr Julia Huffer

### **Substitutes:**

Cllr Charlotte Cane  
Cllr Simon Harries  
Cllr Christine Whelan

### **Substitute:**

Cllr Paola Trimarco

### **Lead Officer:**

Rebecca Saunt, Planning Manager

**Quorum: 5 Members**

# A G E N D A

1. Apologies and Substitutions **[oral]**
  
2. Declarations of Interest  
To receive declarations of interest from Members for any Items on the Agenda in accordance with the Members Code of Conduct **[oral]**
  
3. Minutes  
To receive and confirm as a correct record the Minutes of the Planning Committee meeting held on 3<sup>rd</sup> June 2020
  
4. Chairman's Announcements **[oral]**
  
5. **19/01323/FUM**  
Erection of a new B8 storage and distribution building, additional parking spaces and associated drainage and landscaping works.  
19 Ely Road, Stretham  
  
Applicant: Upwood Property Investments Ltd  
  
Public Access Link:  
<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PXQ1FJGGJT800>
  
6. **19/01721/VARM**  
To vary condition 1 (approved plans) of previously approved 17/01231/FUM for construction of 19 dwellings with associated parking and amenity space and retention of existing offices on site.  
  
Car Park, Hill Side Mill, Quarry Lane , Swaffham Bulbeck  
  
Applicant: WoollensBrook Swaffham Bulbeck Ltd  
  
Public Access Link:  
<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q2CYS0GGN2000>

**7. 20/00214/FUL**

Proposed conversion of outbuilding to provide annexe accommodation.  
Cross Green House, Cross Green, Soham

Applicant: Mr & Mrs Charlesworth

Public Access Link:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q5H7MLGGHEN00>

**8. 20/00215/LBC**

Proposed conversion of outbuilding to provide annexe accommodation.  
Cross Green House, Cross Green, Soham

Applicant: Mr & Mrs Charlesworth

Public Access Link:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q5H7MNGGHEO00>

**9. Planning Performance Report – May 2020**

## NOTES:

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

The Council has a scheme to allow public speaking at Planning Committee using the Zoom video conferencing system. If you wish to speak at the Planning Committee, please contact Janis Murfet, Democratic Services Officer for the Planning Committee [janis.murfet@eastcambs.gov.uk](mailto:janis.murfet@eastcambs.gov.uk) to register your wish to speak by 10am on Tuesday, 30<sup>th</sup> June 2020. Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to access remotely, or do not wish to speak via a remote link. Please note that public speaking is limited to 5 minutes in total for each of the following groups:

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

2. A live stream of the meeting will be available on YouTube at <https://www.eastcambs.gov.uk/meetings/planning-committee-01072020> for public viewing.
3. Reports are attached for each agenda item unless marked "oral".
4. If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: [translate@eastcambs.gov.uk](mailto:translate@eastcambs.gov.uk)
5. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

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



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee facilitated via the Zoom Video Conferencing System at The Grange, Nutholt Lane, Ely on Wednesday, 3<sup>rd</sup> June 2020 at 1:00pm.

### **PRESENT**

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

### **OFFICERS**

Rebecca Saunt – Planning Manager  
Angela Briggs – Team Leader  
Maggie Camp – Legal Services Manager/Monitoring Officer  
Gemma Driver – Planning Officer  
Barbara Greengrass – Team Leader  
Toni Hylton – Senior Planning Officer  
Catherine Looper – Senior Planning Officer  
Andrew Phillips – Team Leader  
Adrian Scaites-Stokes – Democratic Services Officer

### **IN ATTENDANCE**

Cllr Julia Huffer

### **3. APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Christine Whelan, who had wished to speak on an application she had called in for discussion by the Committee, but was unable to attend this meeting. She had submitted a statement, with a request it be read out on her behalf at the appropriate time.

### **4. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **5. MINUTES**

It was resolved:

That the Minutes of the meetings held on 6<sup>th</sup> May 2020 and 21<sup>st</sup> May 2020 be confirmed as correct records and be signed by the Chairman.  
The Chairman commented that following the previous meeting the Newmarket Journal, which had wrongly attributed a statement to Councillor Brown, had offered an apology and named the Member who had actually made the statement.

**6. CHAIRMAN'S ANNOUNCEMENTS**

There were no Chairman's announcements.

**7. 19/01773/FUL – 11 ROBINS CLOSE, ELY**

Gemma Driver, Planning Officer, presented a report (reference V7, previously circulated) which sought full permission for additions and alterations comprising two storey side extension and necessary enabling work at 11 Robins Close, Ely.

The Planning Officer advised the Committee that the application sought a first floor extension over an existing single storey element. The application had been amended so that the weatherboarding would now be limited to the proposed extension only. This application had been called in to Committee by Councillor Christine Whelan, as there had been no objections from consultees.

The property was a detached dwelling within the development envelope, with a small grassed area to its front elevation. It was within an area of semi-detached and detached dwellings. The application proposed an extension measuring 4.1 metres wide by 9.3 metres deep above the single storey form. It included alterations to the porch and changing the roof. The proposal also included new windows within the extension.

The main considerations in the determination of this application were:

- Impact on residential amenity;
- Impact on the visual amenity and character of the area.

**Residential Amenity**

The property was sited 11 metres away from 24 Merlin Drive and 15 metres away from 1 Heron Close. It was considered that the proposal would have no detrimental effect on residential amenity.

**Visual Amenity**

Under policy ENV1 any alterations should compliment and enhance the area's character. Under policy ENV2 consideration had to be given to its location, layout and massing. The Council's Design Guide also stated that any extension should be subservient to the main dwelling.

The proposed extension would be seen along Robins Close and Merlin Drive from all angles and was judged to be of considerable bulk. As a result there would be significant massing on the eastern boundary and it would change the

shape of the dwelling to an 'L'. The integrity of the existing building would therefore be lost.

On balance, the application was recommended for refusal as the extension would be overbearing due to its mass, would cause significant and demonstrable harm to the visual amenity and would not protect the character of the surrounding area.

At the invitation of the Chairman, Mr Jamie Palmer, agent for the applicant, addressed the Committee and made the following points:

- The policies quoted were suitable for new properties, as new buildings should conform, but this was an existing dwelling.
- The Google photos used in the presentation were not up-to-date but the newer photos that had been circulated prior to the meeting showed that similar developments had been completed.
- The new built forms were close to pedestrian access and a footway, but this proposal was more acceptable as there is already a single storey built form and the proposal was not using garden space.
- The first floor extension includes a new bedroom for the family, due to limited floor space at present.
- Giving approval to the application would mean the unsightly flat roof would be removed, allow better materials to be used and would improve the overall design and street view.
- There had been no objections from any of the consultees nor neighbours.
- The precedent for this development in the area had already been set and it would not cause any harm to the area.

In response to Members' questions, Mr Palmer confirmed that the area adjacent to Merlin Drive was owned by the applicant and did consist of a gravelled area. There were around 4 or 5 properties in the area that had a similar extension developed.

The Chairman then asked that a statement submitted by Councillor Christine Whelan be read out. The statement stated the following:

I am in support of this application and would ask you consider this carefully. The application has been recommended for refusal by the officers on the grounds that it would not be in keeping with the street scene. Having looked at the area in question I am not convinced that the extension will have a massive impact on the area.

A similar extension was completed less than 100 metres down the street at No. 30 Merlin Drive in December last year only having had planning permission during the summer of 2019. There are many other similar extensions in the area, many on corners of cul-de-sacs.

This area has various designs including many extensions similar to this application. This area is not a conservation area, there would be no parking issues as there is no loss of parking spaces.

There were no concerns from the City of Ely Council and there have been no objections from the neighbours around the plot regarding this application.

Therefore, I am asking that the planning committee look at this application with the other similar properties in the area that have been approved and ask that you recommend that this application be approved.

In response to Members' questions the Planning Officer confirmed that the garage shown on one of the photos did belong to the applicant. An extension on 85 Downham Road was of similar scale but the site was located at the front of the estate, however, this application had to be assessed on its own merit. The only objection was due to its proposed bulk. The brickwork would be rendered with boarding above.

Councillor Ambrose Smith wanted to support the application as the existing single storey element was not pleasing to look at and the proposal could improve the dwelling's appearance so it would make a positive impact on the estate. Councillor Trapp thought there was not a lot to object to and it could enhance the visual impact. The flat roof was ugly and the extra storey would not cause overlooking. There had been no objections, so people were not worried about the extension being intrusive. Councillor Edwards, in agreeing with Councillor Trapp's comments stated that the second storey would improve the street scene. Councillor Wilson contended that it would not adversely affect any other residents, would improve the street scene and cause no harm. It would improve residents' amenity, provided the usual conditions were applied. Councillor Downey did not consider that any harm would be done, no damage to residential or visual amenity, it would not be overlooking and the corner would look more pleasing.

Councillor Brown supported the officer's view in that the proposed extension would be too big and intrusive.

Councillor Downey proposed that the officers' recommendation be rejected and that the application be approved, seconded by Councillor Trapp, as it would not damage the visual or residential amenity and that authority be given to the Planning Manager to agree suitable conditions.

When put to the vote the application was approved.

It was resolved:

- That planning application reference 19/01773/FUL be APPROVED as it would not significantly impact on residential amenity or the visual amenity of the area.
- It was further resolved that the Planning Manager be given delegated authority to impose suitable conditions.

**8. 20/00194/FUL – SITE REAR OF 38 HIGH STREET, CHIPPENHAM**

Catherine Looper, Senior Planning Officer, presented a report (reference V8, previously circulated) which sought permission for the construction of 2 no. three bed detached two storey dwellings with attached single carports, access,



parking, on site turning and site works to site to the rear of 38 High Street, Chippenham.

The Senior Planning Officer advised the Committee of some 'housekeeping' in that Councillors should have received a copy of a letter from the neighbour who had objected to the application, stating that they were now satisfied with it and had withdrawn their objection.

The map included with the report showed the location of the site to the rear of 38 High Street, which was within the Conservation Area and Development Envelope. There was already existing access to the site and the proposal consisted of two detached dwellings with parking at the front and with carports. The overall heights of the dwellings would be 7.6 metre but they were set back on the site. There would be no first floor rear facing windows included.

The main considerations in the determination of this application were:

- Principle of development;
- Residential amenity;
- Visual impact;
- Impact on the Conservation Area;
- Highway matters.

#### Principle of Development

The site was within the development envelope and a previous application for one dwelling had been approved. Although permission for this had lapsed it was still relevant to this application.

#### Residential Amenity

The new dwellings would not harm nearby dwellings. There would be no habitable windows overlooking No. 37 High Street. It would have no significant impact on No. 38 High Street and it was located far enough away from No. 2 Scotland End.

#### Visual Amenity

The proposal and resultant change to the street scene would be in keeping with the area. The Appeal Decision on the previous application had not considered the development would be harmful to visual amenity. Nor was it considered that it would harm the Conservation Area or nearby buildings. Overall the public benefit outweighed any harm.

#### Highways

Two parking spaces would be provided on the site and a condition would be included to prevent the carports being converted. The central driveway would be used by both properties to turn vehicles around so they exited the site forwards. A condition would be included to prevent the installation of any gates

or other obstacles to block the central turning area. Highways had no objections to the proposals and the site would have no detrimental impact.

At the invitation of the Chairman, Mr Jamie Palmer, agent for the applicant, addressed the Committee and made the following points:

- Following the usual consultation only the Parish Council had objected to the proposal, due to its concern about highway safety and parking.
- The previous application had been refused and appealed and the Planning Inspector did not raise any concerns in relation to the visual appearance.
- So the previous application for larger dwellings had been accepted by the Planning Inspectorate.
- The two dwellings proposal would result in a reduction of 12% of plot coverage from the previous application and with a reduction in height.
- The new scheme proposed two dwellings set further back into the plot to allow a vehicular turning area at the front.
- The communal areas led to individual parking spaces with no tandem parking and space to reverse.
- So vehicles would access the highway in forward gear.
- The access would remain free to accommodate vehicle turning.
- The ridge heights had also been reduced compared to the previous application, to limit the sense of scale.
- There were no concerns regarding visual amenity, residential amenity and the impact on the character and appearance of the Conservation Area.
- This application addressed all the reasons for dismissal at the Appeal and complies with policy.

At the invitation of the Chairman, Parish Councillor Fiona Maxwell, on behalf of Chippenham Parish Council, addressed the Committee and made the following points:

- The Parish Council objected to the application and reminded the Committee that the previous application had been refused for this small site.
- The new application had not done enough to address the concerns raised.
- The conditions suggested would address those concerns but the Parish Council was concerned that they would not be enforced or if new residents would even be aware of them.
- Parking was an ongoing problem in the village and people parked in the village hall car park opposite the application site.
- That car park might have to close, so on-road parking would increase.
- The junction at Scotland End was already very busy.
- Ten new dwellings had already be approved in Scotland End so traffic congestion would increase, and the High Street was already used as a 'rat run'.
- This meant residents already had difficulty accessing that road.
- The District Council's 2015 Local Plan suggested that Chippenham should have three new dwellings but already eighteen had been approved.
- One dwelling on this site should be sufficient, not two, to make a positive contribution to the housing supply.

At the invitation of the Chairman, District Councillor Julia Huffer, Ward Councillor for Chippenham, addressed the Committee and made the following points:

- One dwelling had been approved but now there was an application for two instead.
- The previous 4 bedroom dwelling approved would have been more in keeping with the area than this new application.
- Four cars at these dwellings would struggle to move out of the drive to access the highway.
- No visitor parking would be included.
- The Highways condition in the report, that vehicles left the site in a forward gear, could not be guaranteed.
- The Planning Committee had already approved an application for ten new dwellings in Scotland End and vehicles from there would exit onto the High Street close to the entrance to this site.
- So the one dwelling previous approved should only be allowed, to keep residents safe.

Following the comments made, the Senior Planning Officer advised the Committee that the application had been assessed against the Local Plan and two parking spaces per dwelling were permissible and in accordance with policy. Highways were satisfied that residents could use a forward gear to exit the site. The Committee was reminded that County Highways had no objections to the proposal.

In response to Members' questions, the Senior Planning Officer confirmed that Scotland End was a dead end, the garden space would have no impact on other houses, and the carports' ridge heights would be lower than the main houses.

Councillor Brown commented that this was a policy compliant scheme and that he totally agreed with the officer's recommendation.

Councillor Jones thought that the site was not the best location but the application adhered to relevant policies and therefore the application should be approved.

Councillor Stubbs agreed, stating that, although there was every sympathy with the Parish Council, the principle of development had already been established. It was hoped that the new residents would be sensible when emerging from the site. The application adhered to the Local Plan, so she was minded to support the application.

Councillor Ambrose Smith has visited the site twice recently, so was aware of its context. Unfortunately we did not live in an ideal world, so she would be supporting the application.

Councillor Schumann was a local Ward Member and found it very difficult to support this application. There were highways concerns, which had been reiterated by the Parish Council, and serious concerns about the potential for

serious accidents. Due to his knowledge of the site he could not support the application, even though it was policy compliant he believed refusing it would be the right thing to do.

Councillor Trapp also found it difficult to agree to this application, as an application for a single dwelling was granted 3½ years ago but had not proceeded and now there was an application for twice as many houses. This demonstrated that buildings were not being built and, if this application was accepted, it would send a message that developers could increase the number of dwellings it wanted once the principle of development had been granted. The site would be quite densely built compared to nearby houses which had substantial gardens. This application could not be supported.

Councillor Brown then proposed, seconded by Councillor Jones, that the application be approved.

When put to the vote the application was approved.

It was resolved:

That planning application reference 20/00194/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

**9. 20/00258/FUL – PATTERSONS STORES, 11 MILL STREET, ISLEHAM**

Toni Hylton, Senior Planning Officer, presented a report (reference V9, previously circulated) which sought consent for the erection of six dwellings with associated parking at 11 Mill Street, Isleham.

The Senior Planning Officer advised the Committee that the site was in the Conservation Area and within the Development Envelope. The six new dwellings would also include the creation of vehicular access. Plots 1, 2 and 3 will face Mill Street in a terrace with Plots 1 and 2 being 3 bedroom dwellings, Plot 3 a 4 bedroom dwelling. The simple design of these plots was in keeping with the surrounding area. Plot 4 would be a barn style 4 bedroom dwelling. Plot 5 was of a similarly designed 4 bedroom dwelling and Plot 6 would be a 2 storey 2 bedroom dwelling.

In considering this application, it should be compared with the previous application 18/01375/FUL which had been refused by Planning Committee. The main considerations in the determination of this application were:

- The principle of development.
- Residential Amenity.
- Visual Amenity.
- Ecology.
- Highways matters.

The development would be under 1000 square metres, so there would be no affordable housing included. The previous application had been refused due to a number of reasons relating to the demolition of the existing buildings. The

new application had changed the layout of the dwellings, which now included a terrace of dwellings with parking to the rear. Plots 4 and 5 now included carports and Plot 6 had been reduced to a 2 bedroom dwelling with no wing to the rear and had been re-sited adjacent to neighbouring outbuildings. Planting to the borders would also be included. This demolition of the old Pattersons Stores was not part of this application, as the building had already been demolished on health and safety grounds, due to the potential danger to the public and supported by Building Control.

#### Principle of Development

The application site was within the Development Envelope and would provide a net gain of 5 dwellings. The application would provide an efficient use of the land.

#### Residential Amenity

There would be no direct overlooking of properties in Limestone Close, so there would be no demonstrable harm. A condition could be applied to remove permitted development rights to ensure no additional windows could be added without the relevant permissions. Plot 6 had also be re-positioned following the previous refusal to reduce overbearing on the properties on Limestone Close.

#### Visual Amenity

The site was in a central location within the settlement. The proposed 3 dwellings to face Mill Street would be of a simple design with good garden sizes and would retain the character of the Conservation Area.

#### Highways Matters

The application would deliver 2 parking spaces per dwelling as well as visitor parking. The road was not to an adoptable standard. All highway safety requirements would be met and there were no objections from the Highways Authority.

#### Ecology

There would be a net biodiversity gain.

Overall this application overcame the reasons for refusal from the previous application. There would be no overlooking, Plot 6 had been revised, 50 square metres of garden per plot would be included, there would be adequate parking spaces and materials would be re-used. Therefore the application was recommended for approval.

At the invitation of the Chairman, Mr Kelvin Morgan, in objecting to the application, addressed the Committee and made the following points:

- There was little change from the previous application, which had been refused.
- It would have a negative impact on Limestone Close.

- Plot 6 would be overbearing, as it would be built on a bank and would be only 12 metres from, and over look, his home and other dwellings.
- The scale of Plot 6 would also block some views.
- The bank edge would not support any development.
- Increasing the heights of the buildings would make matters worse.
- The development would fail to give sufficient separation.
- The suggested Planning Conditions would be hard to enforce.
- The proposed hedges would not be sufficient.
- It would fail to enhance the Conservation Area.
- It would be an overdevelopment of the site.
- Fewer larger plots would be less likely to be overdevelopment.

At the invitation of the Chairman, Linda Walker, agent for the application, addressed the Committee and made the following points:

- The report was comprehensive and gave a history of the site.
- It showed that the applicants had worked closely with Planning officers on the application, with numerous pre-application meetings being held.
- This application had been deemed acceptable by all concerned and a high quality construction can be achieved.
- The proposed conditions would ensure high quality materials would be used.
- Paragraph 4.3 of the report noted that the Pattersons Stores had become vacant in 2008 and had been in a poor state before the current owner bought the site.
- Because of health and safety issues, caused by storm damage and not neglect, the building had to be demolished.
- The applicant refutes claims he purposely damaged the property.
- The design of the new dwellings had been informed by Council officer, including the conservation Officer.
- The designs were of a simple appearance to respect the locality.
- The poor quality clunch wall would be rebuilt and extend along the full boundary.
- The new dwellings would not be overbearing and no existing properties would be overlooked.
- Plot 6 had been reduced in size to a simple rectangular form, to address the concerns raised by the previous refusal.
- Amenity would not be an issue.
- Only 26% of the site would be built on, so there would be no overdevelopment.
- If the store was still open then an outbuilding could be constructed on the site under permitted development.
- The reasons for refusal of the previous application had been addressed.

Councillor Schumann asked whether the agent was aware that the windows on the Pattersons Stores building had been left open and whether that had been dealt with, as it incumbent on the owner to protect it.

In response, it was revealed that once the issue had been brought to the owner's attention it had been dealt with. The owner did not occupy the building. When it was demolished the Council officers stated that it was not of historic importance.

At the invitation of the Chairman, Parish Councillor Richard Radcliffe, on behalf of the Parish Council, addressed the Committee and made the following points:

- The Parish Council objected strongly to this application.
- The application had not been locally led and there had been no engagement.
- It would cause an unacceptable impact on the community.
- The property was occupied until 2016 not 2008 as stated.
- The Design Statement stated that it would use a blend of sympathetic materials, but there was no evidence for that.
- The layout would not line up with the historic village or represent the history of the site.
- Shifting the dwellings further north would obstruct the view of the church tower, part of the listed building. This is a view the Parish Council wished to preserve.
- The three rear dwellings would dominate existing buildings.
- The position of Plot 6 and its form would be overbearing and cause demonstrable harm.
- The site density has been compared to Limestone Close which has a higher density as it is sheltered housing, whereas other dwellings in the locality were not as dense.
- It was noted with dismay that part of the site would include some gravel, which would be spread about.
- The application was hardly likely to enhance the Conservation Area, so the application should be refused.

Councillor Jones asked which properties would lose the view to the church. Councillor Radcliffe stated that if you were on Mill Street the church could be viewed via the open space at the north end of the site. In answer to Councillor Trapp's enquiry the Committee was informed that the land was 4.2 metres higher than Limestone Close.

At the invitation of the Chairman, District Councillor Julia Huffer, Ward Member for Isleham, addressed the Committee and made the following points:

- Isleham was 'under the cosh' for development with many applications being sought and it had taken enough development.
- The demolition of the existing stores had been tragic.
- This application would be out of kilter with the essence of Isleham.
- It would destroy the quiet and enjoyment of Limestone Close.
- A smaller scheme would have been more sympathetic and could have been better.
- This is unnecessary and unwanted.

In reply to Councillor Hunt's questions, the Senior Planning Officer confirmed that the Conservation Officer and the Historic England reference was from the Conservation Officer and had no issues with the application, there would be a condition to re-use

old materials in the wall, carports would be incorporated as well as parking to the front and this would include the three dwellings fronting the main road.

In response to Councillor Trapp's query about the gravel, the committee was informed that the area concerned appeared to be tarmac. Gravel would be retained on the public right of way at number 30. The Agent stated that the area would be tarmac but gravel could be compressed into it to give a softened appearance. The only gravel related to number 30, as the other areas would be block paved, but the applicant would be happy to deal with this under a relevant condition. The Planning Manager reminded the Committee that under proposed Condition 18 the applicant would have to submit details of the hard landscaping materials to be used.

Councillor Ambrose Smith had visited the site a few months ago and was familiar with Limestone Close. If the site had remained as commercial land the village could have ended up with a large unsightly shed. The site was in the heart of the village and was not seeking to stretch into the countryside. It would be a good use of the site. Although she understood the residents' misgivings the housing design would be better than a commercial building.

Councillor Schumann asked whether buildings over 2 metres could be built under permitted development rights as the agent had suggested if it was still in its previous use or if they needed planning permission. The Planning Manager explained that the permitted development legislation allowed for the erection of some buildings but it would depend a number of different criteria being met. Councillor Schumann thought the Parish Council representative had articulated their arguments well and acknowledged the adverse impact of the application on the Conservation Area due to the proposed bin store at the front of the site and massing. He agreed that the proposal would have a negative impact and would be out of keeping with the built form. It would also completely block the view of the listed building. It would be naïve to think that the 4.5 metre higher building overlooking existing dwellings would not have an impact. He was very disappointed over the performance in neglecting the stores building as this was not an acceptable way to get round planning regulations.

Councillor Trapp considered the application would be overbearing and over development of the site. It was more like a suburban development and would not be in keeping with the village.

Councillor Brown had hoped that something in the heart of the village would have been much better designed. The buildings would be crammed into the site, causing over development, and the location of the bin stores was unsuitable. Plot 6 would be squeezed into the site and it had no garage and don't like the parking arrangements for plots 1-3.

Councillor Jones was not concerned about the density of dwellings proposed and thought the scheme would be sustainable due to its central location, as it met some criteria. It would give an opportunity for local buyers to purchase a home. Plot 6 was always going to be a problem, but the amendments to the proposal would make it less intrusive. Any development on this site would be objected to but development could not be stopped. The proposed buildings would not overlook directly and there were no concerns about the proposed material to be used. Overall the application was borderline but could be accepted.



Councillor Hunt considered the site to be important and that the site was sustainable and there will be development and houses on this site. However, this application had not quite got things right yet.

Councillor Schumann proposed that the application be refused, as it was out of keeping with the street scene, would be overdevelopment, would impact the Conservation Area, would block the view to a listed building and Plot 6 would be overbearing to residents in Limestone Close. This was duly seconded by Councillor Trapp and when put to the vote the application was refused.

It was resolved:

That planning application reference 20/00258/FUL be REFUSED for the following reasons:

- Out of keeping with the street scene
- Overdevelopment
- Detrimental harm to the Conservation Area and setting of St Andrew's Church, a Listed Building
- Plot 6 overbearing to residents in Limestone Close.

**10. 20/00286/VAR – 55 POUND LANE, ISLEHAM**

Catherine Looper, Senior Planning Officer, presented a report (reference V10 previously circulated) which sought to vary Condition 1 of previously approved 19/01115/OUT for construction of 2 no. detached single storey dwellings and associated works at a site north of 55 Pound Lane, Isleham.

The Senior Planning Officer reminded the Committee that the previously approved application involved 2 single storey dwellings on a site with a significant hedge around it. The only difference the variation sought to change was to allow the insertion of rooms in the roof space. This would lead to an overall height increase of 0.9 metres and the installation of dormer windows. The overall design would not change. The site was currently vacant but it was previously used as garden land and not agricultural.

The main considerations in the determination of the application were:

- Principle of Development
- Residential Amenity
- Visual Amenity
- Highways Matters

Principle of Development

This had already been established with the previous approved application, as the site was close to a settlement and the number of dwellings proposed remained the same

### Residential Amenity

There would be a suitable relationships between the dwellings and the addition of rooms in the roof did not alter the relationship between the proposed dwellings and neighbouring dwellings. The amenity space had been approved as part of the previous application and there were no changes to this.

### Visual Amenity

The proposed scale of the dwellings was appropriate. The retention of the hedge, to be secured by condition, would mitigate any impact. The installation of dorma windows would have no impact.

### Highways Matters

Access to the site and parking provision had not changed from the previously agreed permission.

No objections had been received and, on balance, the variation was recommended for approval as it would not do any significant or demonstrable harm.

At the invitation of the Chairman, Parish Councillor Richard Radcliffe, on behalf of the Parish Council, addressed the Committee and made the following points:

- The Parish Council had consistently objected to developments in the open countryside.
- The Parish Council objected strongly to increasing the mass of the proposed dwellings.
- Previously the District Council had agreed that the dwellings would be of a suitable scale to nearby dwellings.
- This variation would change the dwellings to 1.5 storey height, which the District Council still accepts as a size similar to nearby dwellings.
- This proposal would change the dwellings from 2 bedroom to 4 bedroom.
- Isleham had seen an imbalance of larger dwellings being built, so no more were needed.
- The design would be radically different, as the roof mass would increase by 20%, thereby affecting the visual amenity.
- The real impact would be along Little London Drove, which was heavily used, as its views of the church would significantly impacted.
- The application should therefore be refused.

The Senior Planning Officer reminded the Committee that the application was not for a new development. It was the same development with the same footprint. There would only be a slight increase in roof heights by 0.9 metres, which would not protrude above the neighbouring roof line, with additional windows. Relevant planning policies and been complied with and the application did not warrant refusal.

Councillor Brown queried whether reserved matters applied to this variation. The Senior Planning Officer confirmed that only landscaping matters were outstanding and they would require a reserved matters application.

Councillor Ambrose Smith thought this minor variation would not make any difference. The two extra bedrooms would be very useful, allowing people to work from home.

Councillor Schumann was concerned that the applicants had applied for more, after achieving planning permission on their previous application. Visually this was for a very small addition and the Planning officers had got their recommendation right. Conditions 17 and 18 were crucial in preventing 'mission creep'.

Councillor Trapp was also concerned about applicants seeking further permissions as this application had been granted only 6 months ago. The variation would make little difference, though the height would be quite visible.

Councillor Jones agreed there would be no significant impact and therefore proposed that the officer's recommendation to approve the variation be agreed.

Councillor Brown seconded the motion, but also expressed concern about people trying to add more once they had obtain permission. Officers had to be wary of this during pre-application negotiations.

When put to the vote the application was approved.

It was resolved:

That planning application reference 20/00286/VAR be APPROVED subject to the recommended conditions as set out in the Officer's report.

## **11. PLANNING PERFORMANCE REPORT**

Rebecca Saunt, Planning Manager, presented a report (reference V11, previously circulated) which outlined the performance of the Planning Department from January to April 2020.

The Planning Manager advised the Committee that due to committee meetings being cancelled and then the introduction of remote committees the report had not been presented to Members as it normally would, but would become a regular item again going forward. . The report set out the number of applications received and determined, enforcement cases received and closed and appeals received for each of the four months.

January and February had seen an increase in applications but, since the Council had announced that it had a 5-year housing supply, there had been a drop in applications in March and April, which could also be down to the current situation. There had been a number of Appeals received and appeal decisions received, as set out in the report. The Planning Inspectorate was currently

amending how they work due to the COVID outbreak and this had meant a delay in some appeals starting and also being determined.

The Planning Department were still operating as normal and were open for business and site visits were being made, but officers were advised not to enter houses or buildings and we were not carrying out face to face meetings. Councillors Brown and Schumann expressed thanks for the efforts being made by the Department to continue working and providing a service.

It was resolved:

That the report be noted.

The meeting closed at 3:15pm.

**MAIN CASE**

**Reference No:** 19/01323/FUM

**Proposal:** Erection of a new B8 storage and distribution building, additional parking spaces and associated drainage and landscaping works

**Site Address:** 19 Ely Road Stretham Cambridgeshire

**Applicant:** Upwood Property Investments Ltd

**Case Officer:** Dan Smith, Planning Consultant

**Parish:** Stretham

**Ward:** Stretham  
Ward Councillor/s: Bill Hunt  
Lisa Stubbs

**Date Received:** 19 September 2019      **Expiry 6 July 2020:**

[V25]

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1.0 **RECOMMENDATION**

- 1.1 Members are recommended to APPROVE the application subject to the recommended conditions below: The conditions can be read in full in the attached Appendix 1.
- 1.2
1. Approved Plans
  2. Timescale for Implementation
  3. Drainge strategy
  4. Relocation of HGV parking and setting out of new car parking along frontage.
  5. Access parking and turning
  6. Lighting Scheme
  7. Eco mitigation
  8. Eco enhancement
  9. Soft Landscaping
  10. Boundary treatments
  11. Materials
  12. Hydrants
  13. CEMP
  14. Construction Hours
  15. Piling Method Statement
  16. Contamination during construction

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks full planning permission for the erection of a new B8 storage and distribution building, the laying out of additional hardstanding for vehicle parking, the provision of fencing, associated drainage features and landscaping of the site. This would function as an extension of the premises and operation of the existing storage and distribution business of site. The proposed building is of a similar height and scale to the existing warehouse buildings on site but has a two storey office element to the front corner. To the north of the new building there would be a large area for HGV parking and manoeuvring as well as a drainage swale and planting belt. To the front of the building would be loading bays and a manoeuvring area as well as an increased landscape planting belt. The applicant has also committed to increasing the width of the landscaping belt along the frontage of the existing site.
- 2.2 The application has been amended in respect of access, landscaping and drainage to address comments from statutory consultees and the planning officer and a Landscape Visual Impact Assessment has been submitted to assess the impact of the development on the wider landscape.
- 2.3 The application has been referred to the Planning Committee as it is a full application which falls within the category of major development (floor space of 1,000 square metres or more), in accordance with the Council's Constitution.
- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

## 3.0 RELEVANT PLANNING HISTORY

### 3.1

|              |   |          |            |
|--------------|---|----------|------------|
| 81/00035/FUL | Change of use from agricultural to light industrial and erection of grain store                             | Approved | 26.03.1981 |
| 99/00845/CLE | Certificate of lawfulness for use of the units together with access for purpose of storage and distribution | Approved | 25.01.2000 |
| 04/01498/CLP | Certificate of lawfulness for proposed use: storage and distribution.                                       | Approved | 18.02.2005 |
| 13/00806/FUL | Warehouse (B8) to replace fire damaged warehouse  | Approved | 16.12.2013 |

#### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is primarily agricultural land located immediately to the north of the Masters storage and distribution site. The existing site is accessed directly from the A10 and that access forms part of the application site. The main part of the site is unenclosed and part of a larger agricultural field which extends to the north and west. The A10 bounds the site to the east with open fields opposite and the Masters site is located immediately to the south. A thin line of trees separates the existing premises from the application site.
- 4.2 The existing Masters site fronts the A10 and is comprised of three large warehouse buildings with hardstanding for the manoeuvring and parking of HGVs to the front, as well as ancillary buildings including an office building. The access to the A10 is at the north east corner and the frontage is enclosed by native hedging and the thin line of boundary planting to the northern boundary which is tight to the northernmost warehouse building.
- 4.3 Land levels in the immediate area fall away from the ridge of the hill just south of the site towards the north, meaning the application site is at a lower level than the current site. Pairs of semi-detached dwellings are opposite the Masters site and there are other residential dwellings and Hill Farm to the south of the site. Further to the south a public footpath runs east west along the brow of the hill and on just over the brow of the hill on the east side of the A10 is a grade II listed wind mill.
- 4.4 The application site and the Masters site are located outside of the development envelope of Stretham in the countryside and within Flood Zone 1.

#### 5.0 RESPONSES FROM CONSULTEES

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

**County Highways Transport Team - 23 September 2019**

Notes that the proposal is anticipated to generate an additional 6 trips (2 in/4 out) in the AM peak, and 3 trips (1 in/2 out) in the PM peak. States that this is a negligible increase to existing trips and that the development is therefore not expected to cause significant detriment to the local highway network. No objections.

**Local Highways Authority (LHA) - 7 October and 4 November 2019**

States the LHA has no objection to the development in principle.

Notes that the access is wide enough to accommodate two HGVs passing, however it recommends that this access is widened both on the highway and internal to ensure that these manoeuvres can be achieved without a detriment to highways safety.

Also notes that the site has no footways, cycleways or safe pedestrian crossing points on the highway leading to the development and that it is accessed off a 60mph unilluminated road considering it to be accessible by motor vehicles only.

Notes that the internal layout, parking and turning areas appear to be sufficient to accommodate the proposed development and that ECDC as the parking authority should insure that the spaces provided is adequate for the development.

Recommended conditions requiring the access parking and turning areas to be set out as per the approved plans.

**Economic Development - 9 October 2019**

Notes that the agent has advised the proposed development would create 8 jobs.

**ECDC Trees Team - 3 December 2019 and 29 January 2020**

Notes that the existing tree screen to the northern boundary is to be removed and that the proposed replacement landscaping would take time to grow up and screen the development and would be dependent on the scale of trees chosen for the boundary planting. Questioned whether the proposed tree planting belt on the northern side was wide enough to provide suitable screening. Suggests consideration be given to retaining the existing trees or designing features that will temporarily obscure the visual impact of the lorries while the new tree belt becomes established sufficiently to act as a screen. Expresses concern regarding the removal of the existing hedge along the frontage of the Masters site.

**Wildlife Trust - 22 January 2020**

States it has reviewed the Ecological Assessment report accompanying the above application and is satisfied with the conclusion that the site is currently of limited ecological value and with the recommendations for mitigation. It expresses concern that the proposed ecological enhancements do not go far enough recommends additional areas of planting are incorporated into the proposed layout to ensure a net gain in biodiversity.

**Lead Local Flood Authority (LLFA) - 15 October, 14 November, 11 December 2019**

Initially objected to the application on the basis of the chosen drainage strategy, the design of the swale and the lack of justification for the inclusion of a pump in the loading bay.

Later the LLFA considered a revised drainage scheme including SuDS and surface water calculations and removed its objection stating that the revised details demonstrate that surface water from the development can be managed through the use of a swale and that the pump within the loading bay was acceptable. It noted that water quality had been adequately address and requested a condition requiring the submission of a full surface water drainage scheme for the development prior to the commencement of development.

**Anglian Water Services Ltd - 1 October 2019**

Requests an informative relating to Anglian Water Assets in the area.

**The Ely Group Of Internal Drainage Board - 30 September 2019**

States it has no objections from a drainage point of view.

**Environmental Health Officer – 24 September 2019**



Does not object to the proposed development. Notes that the HGV parking would be relocated to the northern end of the site and that this will move that existing source of noise away from the residential dwellings to the east which he welcomes. Requests conditions in respect of hours of construction and the use of piled foundations.

**Design Out Crime Officers** - 26 September 2019

Supports the application and offers no further substantive comments.

**Cambridgeshire Fire And Rescue Service** - 1 October 2019

Requests adequate provision be made for fire hydrants secured by a planning condition.

**Parish Council** - No Comments Received

**Ward Councillors** - No Comments Received

**Natural England** - No Comments Received

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

**Conservation Officer** - No Comments Received

**Enforcement Section** - No Comments Received

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

- 5.2 **Neighbours** – 16 neighbouring properties were notified and three responses received which are summarised below. A full copy of the responses are available on the Council's website.
- 5.3 Two responses have been received objecting to the development on the grounds of impact on public views, street scene, highway safety, trees, listed building, noise, overlooking, overbearing, parking and turning and pollution.
- 5.4 One response has been received in support of the development which states it would take traffic away from residential properties.

6.0 The Planning Policy Context

- 6.1 East Cambridgeshire Local Plan 2015
- |          |   |
|----------|---|
| GROWTH 2 | Locational strategy   |
| GROWTH 3 | Infrastructure requirements                                 |
| GROWTH 5 | Presumption in favour of sustainable development            |
| EMP 2    | Extensions to existing business premises in the countryside |
| ENV 1    | Landscape and settlement character                          |
| ENV 2    | Design  |
| ENV 4    | Energy efficiency and renewable energy in construction      |
| ENV 7    | Biodiversity and geology                                    |
| ENV 8    | Flood risk  |

|        |                   |
|--------|-------------------|
| ENV 9  | Pollution         |
| ENV 12 | Listed Buildings  |
| COM 7  | Transport impact  |
| COM 8  | Parking provision |

6.2 Supplementary Planning Documents  
*Design Guide – Adopted March 2012*  
*Developer Contributions and Planning Obligations – Adopted May 2013*

6.3 National Planning Policy Framework 2019  
 Section 2 Achieving sustainable development  
 Section 4 Decision-making  
 Section 6 Building a strong, competitive economy  
 Section 9 Promoting sustainable transport  
 Section 11 Making effective use of land  
 Section 12 Achieving well-designed places  
 Section 15 Conserving and enhancing the natural environment  
 Section 16 Conserving and enhancing the historic environment

6.4 *Planning Practice Guidance*

7.0 PLANNING COMMENTS

7.1 The main planning considerations in this case are the principle of development; the impact on visual amenity and the historic environment; impact on residential amenity; highway safety and parking; ecology; and flood risk and drainage.

**7.2 Principle of Development**

7.2.1 The application site is outside of the development envelope of Stretham in the countryside. Planning policy GROWTH 2 generally focusses new development within development envelopes rather than the countryside. Outside of development envelopes the policy states that development will be strictly controlled but that there are some circumstances where development may be acceptable in the countryside. One such circumstance is where development is for the extension of existing businesses, which is regulated by policy EMP 2.

7.2.2 The supporting text for policy EMP 2 states that *“one of the key aims of the Council’s Jobs Growth Strategy and the Local Plan is to encourage business growth, particularly indigenous businesses. In many cases this will involve expansion or intensification within an existing site, rather than relocation and many of these sites will be in countryside locations”*. The policy itself states that:

*“Proposals to expand existing businesses in the countryside will be permitted where:*

- *The proposal does not harm the character and appearance of any existing buildings or the locality.*
- *The proposal is in scale with the location, and would not (by itself or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated.*
- *The extension is for the purpose of the existing business; and*

- *Any intensification of use will not detract from residential amenity.*

7.2.3 The compliance of the proposed development with the four requirements of the policy is dealt with in the remainder of this report, however the conclusion of those considerations indicates that the proposed development complies with policy EMP 2 and the development is therefore considered to be acceptable in principle.

### **7.3 Visual Amenity including the historic environment**

7.3.1 The proposed development would extend the site out into the open countryside and would involve the erection of an additional large building and the provision of HGV parking to the north of the building. The applicant commissioned a Landscape Visual Impact Assessment (LVIA) to assess the quality of the existing landscape and the potential impact of the proposed development.

7.3.2 The LVIA assess the site and surrounding areas a low to medium in quality and value and low to medium in sensitivity to development. It states that extent of change to the local landscape would be minor and the essential character of the area would not change. Given the removal of some landscape planting along the northern boundary and the additional incursion into the open field, the effects of the development are judged to be slightly adverse, until such a time as the landscape planting matures at which point the impact of the proposed development would be neutral or slightly beneficial given the additional planting and hedging.

7.3.3 The assessment provided by the LVIA is generally considered to be robust. Nonetheless, officers felt that more could be done to mitigate the overall impact of the site on its surroundings. The development would result in the loss of the tree line on the northern boundary which while largely low quality trees, contained two good quality specimen and provides some limited screening of the existing site. The applicant was therefore requested to consider additional planting along the frontage and the relocation of the proposed fencing inside the proposed hedging rather than outside of it. Furthermore, given the current HGV parking is to be relocated off the frontage, officers requested the creation of a new landscaping belt along the frontage of the existing site to provide additional screening and softening of the site as a whole (see drawing JEC/567/01) The opportunity for an enhancement of the existing frontage is considered to be a visual and amenity benefit of the proposed scheme and would help soften the frontage.

7.3.4 While planting will take time to establish and the site will be more prominent in the short term, the medium and long term impacts of the development would result in a slightly beneficial impact on the visual amenity of the area. A detailed landscaping scheme would be required by condition and as part of that scheme there would be an expectation that more mature, high quality tree specimen would be specified as well as dense native hedge planting.

7.3.5 The impact of the proposed extension on the setting of the listed windmill to the south east of the Masters site has also been considered. Given the changes in elevation and the fact that the proposed building would be of a similar height to the existing buildings and closely located to them and given the additional landscape planting around the site and the removal of HGVs from the frontage, it is not

considered that the proposed development would cause any harm to the setting of the listed windmill.

- 7.3.6 The lighting of the HGV parking area has the potential to create additional landscape impact. A scheme of lighting for the site would therefore be required by condition to ensure the lighting of the site has an acceptable impact on the visual amenity of the area.
- 7.3.7 It is therefore considered that the proposed development is acceptable in terms of its impact on visual amenity and the setting of the listed building in accordance with policies ENV2 and ENV 12 of the East Cambridgeshire Local Plan 2015.

#### **7.4 Residential Amenity**

- 7.4.1 The proposed building is not in close proximity to any neighbouring properties, although there are some dwellings further to the south of the site along Ely Road (A10), far enough away that there would be no significant impact on residential amenity from its built form.
- 7.4.2 The primary potential impact on residential neighbours is therefore the impact of noise and disturbance from the development. The proposed provision of an additional building would intensify the use of the site, however the Transport Assessment which has been considered by the County Council's Transport Team indicates that the development would not result in a significant number of additional trips to and from the site. Given the existing use of the site and the location of neighbouring dwellings in close proximity to the A10, it is not considered likely that the proposed development would result in significant additional impact from traffic movements.
- 7.4.3 As noted by the Council's Environmental Health Officer, the existing HGV parking which currently occurs along the frontage of the site opposite the houses to the east of the A10 would be relocated to the northern end of the site and the existing parking area converted to car parking. A widened planting belt would also be provided along the existing frontage. This is considered beneficial in terms of the residential amenity of neighbours as it would move a current source of noise away from residential dwellings to a location which is also partly screened by the proposed building. Furthermore the implementation of a wider planting belt along the frontage of the existing and proposed site would further mitigate noise and disturbance from existing light pollution. The relocation of the HGV parking and the provision of additional landscaping would be required by condition.
- 7.4.4 Conditions would also be applied restricting construction hours and requiring a piling method statement in the event that piling is necessary. Given the scale of the development and its proximity to the A10 it is also considered appropriate to require a Construction Environmental Management Plan for the construction phase in respect of noise and dust management as well as the management of construction vehicles.
- 7.4.5 On that basis, it is therefore considered that the proposed development is acceptable in terms of its impact on residential amenity in accordance with policies ENV2 and ENV 9 of the East Cambridgeshire Local Plan 2015.

## **7.5 Highway safety and parking**

- 7.5.1 The application includes a Transport Statement which has been considered by the County Council Transport Team. The statement indicates that the 6 trips (2 in/4 out) in the AM peak, and 3 trips (1 in/2 out) in the PM peak. The Transport Team considers that this is a negligible increase to existing trips and this is considered a reasonable assessment, particularly given the existing usage of the access from the current site. . The development is therefore not considered to cause any significant detriment to the local highway network in terms of additional traffic generated.
- 7.5.2 The Local Highways Authority has considered the proposals in respect of the physical access to the site and turning within it and has indicated that while the existing access arrangements are adequate the access would benefit from being widened. While the existing access would likely be considered acceptable given the limited addition traffic movements, the applicant has submitted amended plans showing the widening of the gates which was the constraining factor on the width of the access as well as swept path analyses for both the proposed access arrangements and the HGV parking area to the north of the site. These analyses show that vehicles can enter and leave the site safely and turn on site adequately and the widening of the gates would be a benefit of the scheme over and above the existing arrangements. On that basis, the proposed development is considered to be acceptable in terms of its impacts on highway safety.
- 7.5.3 The proposal includes a significant amount of new HGV parking at the northern end of the site with the intention being to relocate the existing HGV parking from the frontage to this new area as well as providing additional HGV spaces. This increased provision is intended to accommodate a request for an increase to the operating license for HGVs at the site. The proposed parking would provide adequate HGV parking for the use.
- 7.5.4 Car parking would be provided around the new building to a total of 25 spaces. This is below the Council's maximum standards for the site based on the new floor areas to be created, however additional spaces would also be created in the location currently occupied by the HGV parking. It is considered that adequate car parking can be provided on site and a scheme for the laying out of new car parking along the current frontage of the site would be required by condition. On that basis, it is considered that the parking requirements of the site are adequately addressed by the proposed development.
- 7.5.5 It is therefore considered that the proposed development is acceptable in terms of highway safety and parking in accordance with policies ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

## **7.6 Ecology**

- 7.6.1 The proposed development would result in the loss of the agricultural field and the existing line of trees along the northern boundary of the site. An Ecological Appraisal has been carried out which judges that the site, an intensively managed arable field is of very low ecological value. It concludes that no further ecological

surveys are required at this time and makes mitigation proposals including the control of lighting.

- 7.6.2 The Ecological Appraisal has been assessed by the Wildlife Trust which has commented that it agrees that the site is currently of limited ecological value and that the recommendations for mitigation are sufficient that no harm to ecology would result. These mitigation measures would be required by condition.
- 7.6.3 The Wildlife Trust expresses concern that the proposed ecological enhancements do not go far enough to ensure that a net increase in biodiversity would result which would be necessary to comply with national and local planning policy. It recommends additional areas of planting are incorporated into the proposed layout to ensure a net gain in biodiversity. Since that time, the applicant has committed to a wider planting belt at the north eastern corner of the site and along the frontage of both the proposed and existing site which would result in significant increase in the extent of planting areas across the site. Native hedging would also be incorporated along the boundary with the A10 and the northern boundary and a scheme of ecological enhancement would be required by condition.
- 7.6.4 It is therefore considered that the proposed development is acceptable in terms of its impact on and enhancement of biodiversity in accordance with policies ENV2 and ENV7 of the adopted East Cambridgeshire Local Plan 2015.

## **7.7 Flood Risk and Drainage**

- 7.7.1 The application site is within Flood Zone 1 and is therefore considered at the lowest risk of flooding and a location where commercial development is acceptable in terms of flood risk. The proposed development would result in the hardstanding of a significant proportion of the application site which is currently agricultural field. As a result the potential for the increased surface water runoff exists and has been considered in the submitted Flood Risk Assessment and associated drainage strategy.
- 7.7.2 Initially the LLFA expressed concern regarding the justification for discounting certain SuDs features, the detailed design of the proposed swale and the use of a pump in the loading bay. Subsequently the applicant provided additional information including drainage calculations in respect of the drainage features and has both redesigned the proposed swale and provided further justification of the SuDS strategy and the need for a pump in the loading bay. The LLFA has considered this information and is now content that it demonstrates an adequate level of drainage infrastructure can be achieved and using appropriate SuDS features. The LLFA has requested a full drainage strategy be required by condition.
- 7.7.3 It is therefore considered that the proposed development is acceptable in terms of its susceptibility to and impact on flood risk and the drainage measures proposed in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015.

## **7.8 Planning Balance**

- 7.8.1 The proposed development would result in a loss of some open countryside and the introduction of built development and a large area of hardstanding. However, it

would be located close to existing development which is of a similar scale to that proposed and is located close to the edge of the existing settlement. Furthermore enhanced landscaping of both the proposed site and the existing frontage would be achieved and the relocation of the HGV parking from the site frontage would improve the visual impact of the site when viewed from the A10.

7.8.2 It is therefore considered that the proposed development is acceptable in principle under the provisions of policy EMP 2 and that it accords with all other relevant policy requirements. The proposed development is therefore recommended for approval subject to the conditions detailed in Appendix 1.

## 8.0 COSTS

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

8.2 Unreasonable behaviour can be either procedural 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.

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

## 9.0 APPENDICES

9.1 Appendix 1 - Suggested conditions

| <u>Background Documents</u> | <u>Location</u>                                | <u>Contact Officer(s)</u>  |
|-----------------------------|--|--|
| 19/01323/FUM                | Dan Smith<br>Room No. 011<br>The Grange<br>Ely | Dan Smith<br>Planning Consultant<br>01353 665555<br>dan.smith@eastcambs.gov.uk |

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

East Cambridgeshire Local Plan 2015 -  
<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

## **Appendix 1 – Conditions**

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

| Plan Reference        | Version No | Date Received       |
|-----------------------|------------|---------------------|
| JEC/567/01            |            | 19th February 2020  |
| Location Plan         |            | 12th September 2019 |
| AP0101                | P01        | 12th September 2019 |
| AP0102                | P01        | 12th September 2019 |
| AP0601                | P01        | 12th September 2019 |
| AP0801                | P01        | 12th September 2019 |
| AP0802                | P01        | 12th September 2019 |
| AP0803                | P02        | 19th September 2019 |
| SK08                  |            | 28th November 2019  |
| SK07                  | A          | 15th October 2019   |
| AP0201                | P04        | 14th October 2019   |
| Ecological Assessment |            | 24th December 2019  |

- 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 Prior to the commencement of development a surface water drainage scheme for the site, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based upon the principles within the agreed FRA & SuDS Statement prepared by EAS (ref: 1838/2019 Rev B) dated 15 August 2019 and the Proposed SuDS Layout, prepared by EAS (ref: 1838-SK04-Rev B) and shall also include:
  - a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
  - b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
  - c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
  - d) Full details of the proposed attenuation and flow control measures;
  - e) Site Investigation and test results to confirm infiltration rates;
  - f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
  - g) Full details of the maintenance/adoption of the surface water drainage system;
  - h) Measures taken to prevent pollution of the receiving groundwater and/or surface waterThereafter the scheme shall be fully implemented in accordance with the approved details prior to the first use of the development.
- 3 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.
- 4 Prior to the commencement of development, a scheme showing the relocation of the existing HGV parking from the frontage of the existing site and its replacement with a landscape belt and car parking spaces shall be submitted to and approved in writing by the Local Planning Authority.

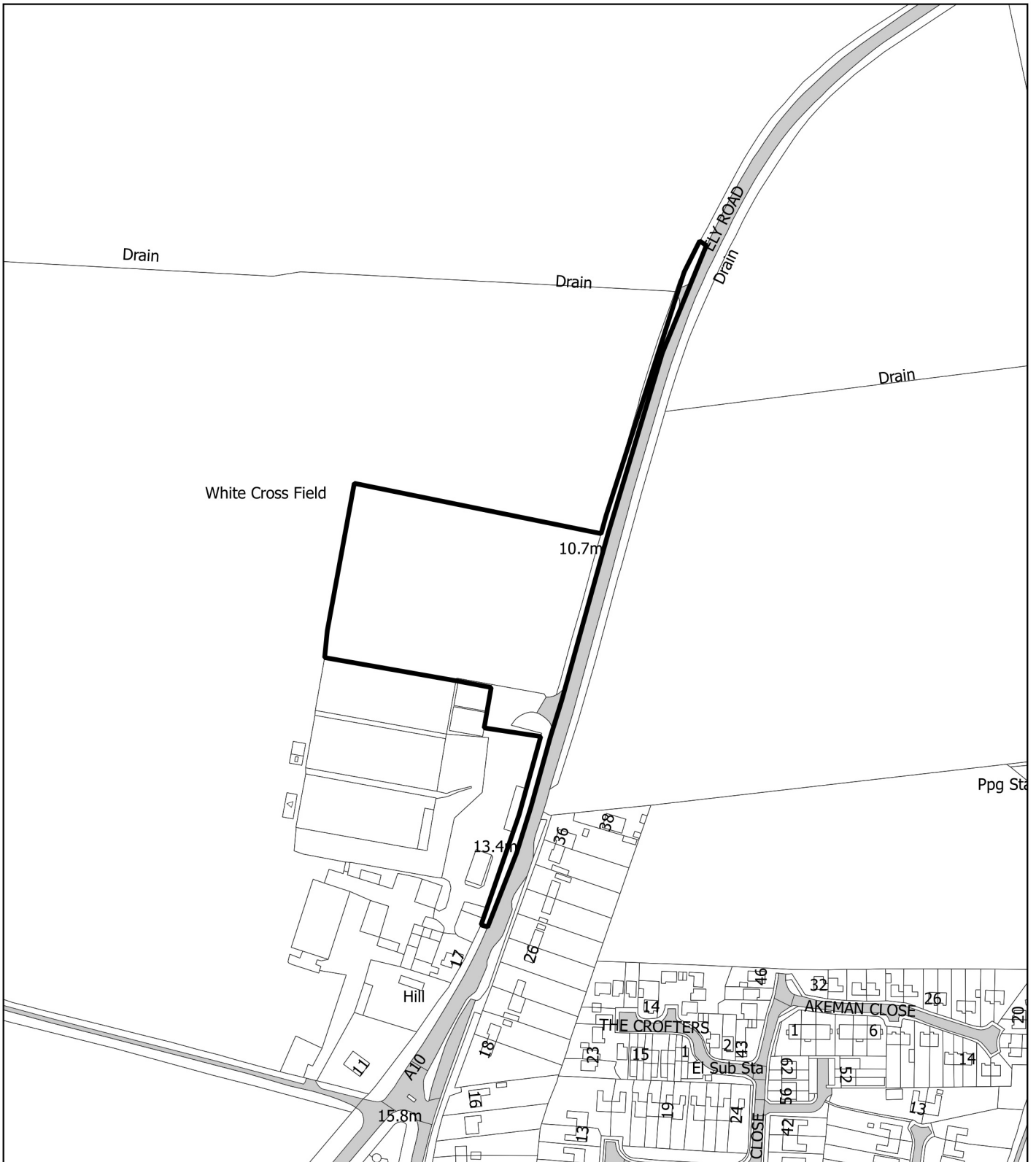


- 4 Reason: In the interests of the visual amenity of the area and highway safety, in accordance with policies ENV 2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 5 Prior to the first use of the site, the alterations to the access and gates shown on approved drawing AP0201 Rev P03 shall be implemented and the HGV parking, car parking and hardstanding for manouvering shall be fully laid out in accordance with that drawing. The access, gates, parking and manouvering areas shall thereafter be retained for the sole purpose of accessing the site and parking and turning vehicles.
- 5 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 6 No external lighting shall be installed on the site unless details of that specific lighting have first been submitted to and approved in writing by the Local Planning Authority.
- 6 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 The development shall be carried out in full accordance with the ecological mitigation measures detailed within section 6.2.2 of the approved Ecological Assessment by Green Environmental Consultants Ltd dated December 2019.
- 7 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 8 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 8 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 9 Prior to first occupation or commencement of use a full schedule of all soft landscape works for the proposed site and the frontage of the existing site 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.
- 9 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 No above ground construction or use of the site shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first use of the site.

- 10 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 The external materials used in the construction of the buildings hereby approved shall be either:
  - a. As shown on the 'Materials Legend' on approved drawing AP0801 Rev P01, or;
  - b. Submitted to and approved in writing by the Local Planning Authority prior to their use in the development.
- 11 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 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.
- 12 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. The condition is pre-commencement as it would be unreasonable to require applicants to undertake work prior to permission being granted, however, the information is needed prior to commencement in order to ensure that the necessary infrastructure is able to be provided.
- 13 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. 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.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 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.
- 14 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.
- 14 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 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.
- 15 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk

assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

- 16 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.



19/01323/FUM

19 Ely Road  
Stretham



East Cambridgeshire  
District Council

Date: 16/06/2020  
Scale: 1:3,250



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**MAIN CASE**

**Reference No:** 19/01721/VARM

**Proposal:** To vary condition 1 (approved plans) of previously approved 17/01231/FUM for construction of 19 dwellings with associated parking and amenity space and retention of existing offices on site

**Site Address:** Car Park Hill Side Mill Quarry Lane Swaffham Bulbeck

**Applicant:** WoollensBrook Swaffham Bulbeck Ltd

**Case Officer:** Emma Barral, Planning Officer

**Parish:** Swaffham Bulbeck

**Ward:** Bottisham  
Ward Councillor/s: Charlotte Cane  
John Trapp

**Date Received:** 6 January 2020      **Expiry Date:** 02/09/2020

[V26]

1.0 **RECOMMENDATION**

Members are recommended to approve the application subject to the signing of the s106 agreement and conditions covering the following matters with authority delegated to the Planning Manager and Legal Services Manager to complete the s106 and to issue the planning permission. The recommended planning conditions can be read in full within Appendix 1

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Car park lighting
- 4 Surface water drainage
- 5 Construction times
- 6 Potential contaminated land
- 7 Potential contamination
- 8 Fire hydrants
- 9 Tree protection
- 10 Soft landscaping
- 11 Hard landscaping
- 12 Boundary treatments
- 13 Car parking
- 14 Boundary wall permitted development rights

- 15 Close existing access
- 16 Highway drainage
- 17 Biodiversity protection
- 18 Biodiversity enhancement
- 19 Renewable energy
- 20 Brickwork to be agreed
- 21 Materials agreed
- 22 Office to remain as B1

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application submitted seeks to vary condition 1 (approved plans) of previously approved 17/01231/FUM for construction of 19 dwellings with associated parking and amenity space and retention of existing offices on site. LPA Ref 17/01231/FUM was approved on the 18<sup>th</sup> January 2018. The application is made under section 73 of the Town and Country Planning Act 1990 which provides the ability to vary or remove conditions associated with a planning permission.
- 2.2 This S73 application seeks to vary Condition 1 attached to the extant planning permission to amend the approved layout and dwelling types to a scheme of 18 semi-detached residential dwellings.
- 2.3 The Agent's Planning Statement states "Since the previous application was granted planning permission there have been a number of changes on the site which require further amendments to the existing plans to accommodate these. The original red line boundary did not accurately reflect the ownership of land as it appears on the ground. The boundary at the northern end of the site has been amended to show the precise location of the legal ownership between the application site and adjoining residential property at Hillside Cottage. This has resulted in a reduction in site area".
- 2.4 The amended plans relate only to the amended layout, design, dwelling mix and number of dwellinghouses proposed within the application site. The amended layout is to address previous concerns raised by the Highways Authority during the course of the previous application.
- 2.5 The application proposes a total of 4 (out of the 18 proposed dwellinghouses) to be affordable housing units on site (which equates to 21%) with 2 dwellings as affordable rent and 2 dwellings as shared ownership. The Agent has advised that the proposed dwellings are to be constructed using off-site manufacturing technology and the Agent has advised that the manufacturing process for proposed dwellings means that they are unable to be constructed as single detached dwellings and a mix of market and affordable as semi-detached dwellings may be impractical. However, they are proposing an off-site contribution in a financial sum to provide an additional affordable unit.
- 2.6 The application would propose a shortfall of on-site provision for affordable housing against the requirement for 40% affordable housing in the south of the District under policy HOU3 of the Local Plan 2015. Therefore, given this policy departure, the application is to be considered by Members at Planning Committee.

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

### 3.0 PLANNING HISTORY

|              |  |          |            |
|--------------|--|----------|------------|
| 17/01231/FUM | Construction of 19 dwellings with associated parking and amenity space and retention of existing offices on site | Approved | 17.01.2018 |
|--------------|--|----------|------------|

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is partially within the Cambridge Green Belt, with the existing office building fully within the Green Belt. The proposed 18 dwellings are all outside of the Green Belt. The land rises to the east of the site, which is where the most mature trees are located.

4.2 The site is located adjacent of the T-Junction of Quarry Lane and Swaffham Heath Road, which is located approximately half way between two sections of the village that are within the village framework. There is a public footpath that comes to the southwest corner of the site.

4.3 There is currently an outbuilding that is in a poor state of repair that is currently used for storage along Swaffham Heath Road.

### 5.0 RESPONSES FROM CONSULTEES

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

#### **Parish Council Swaffham Bulbeck Parish - 6 February 2020-**

- “There are 12 houses at 2.5 storeys high. This is 9 more houses at this height than in the approved planning application 17/01231/FUM. (The remaining 8 houses designated as 2-bedroom also *appear* in drawings to be the same height.) These will be the first 2.5 storey dwellings built in Swaffham Bulbeck and will be located above the 15m contour. The built village is below the 15m contour and consequently the development will be visible from the conservation area and listed buildings.
- The proposed repetition and uniformity of house design and exterior materials are not in keeping with the rural and local setting which sits above the rest of the village and will highly visible.
- The affordable housing element of the development (22%) is not in line with the Local Plan policy of 30%. The parish council would like the developer to work with Swaffham Bulbeck Community Land Trust (CLT) to provide at least

30% affordable housing which could be allocated to people with a connection to Swaffham Bulbeck. There is significant evidence gathered for the emerging Neighbourhood Plan which demonstrates a need for affordable housing for people with connections to the village.

- Four affordable houses have been located in the revised plan too close to the junction of Heath Road and Quarry Lane. This close proximity to the road is unacceptable to the parish council.
- Insufficient consideration has been given to biodiversity in the application. The parish council request the inclusion of sufficient planting of suitable trees, hedging and other appropriate planting. Nesting boxes, swift bricks in the gable ends and bat boxes should be included.
- Each property should also be fitted solar panels and have a water butt.

For safety reasons, the council strongly objects to direct access from properties on to Heath Road and Quarry Lane”.

**Swaffham Bulbeck Parish** - 1 April 2020- “I am writing on behalf of Swaffham Bulbeck Parish Council to confirm that they wish to uphold their objections to the above proposal. I have attached a copy of the original objection for your information”.

**Lead Local Flood Authority** - 5 February 2020- “At present we object to the variation of Condition 1 as not enough information has currently been provided. According to Section 3.25 of the Planning Statement, a Drainage Strategy Plan and Drainage Strategy Report has been submitted as part of the variation of condition application. However, these documents do not appear to have been uploaded to the planning portal. Therefore we are unable to provide comments at this stage”.

**Lead Local Flood Authority** - 13 February 2020- “At present we object to the variation of Condition 1 for the following reasons:

1. Half drain time

It has been proposed to manage surface water from the site by use of individual plot soakaways and permeable paving. Due to varying infiltration rates across the site, the site has been split into two zones, with soakaways designed to an infiltration rate of  $5.8 \times 10^{-5}$  m/s in Zone 1 and  $1.1 \times 10^{-6}$  m/s in Zone 2.

The proposed soakaways in Zone 2 will have a half drain time of up to 2685 minutes during a 1 in 30 year rainfall event and 5004 minutes during a 1 in 100 year rainfall event plus a 40% allowance for climate change. Infiltration from full to half full should take no more than 24 hours during any rainfall event up to the 1% AEP. Half drain times of more than 24 hours present a risk of infiltration features being unable to manage rainfall during subsequent events.

2. Full infiltration results required

Section 2.9 of the Drainage Strategy Report presents the results of the infiltration testing that was performed as part of the fieldwork investigations that informed the



geo-environmental assessment report. However, full details of the infiltration testing have not been provided and the geo-environmental assessment report has not been submitted as part of this application.

Any infiltration testing should be conducted in line with BRE365 guidance, which provides the following good practice minimum requirements:

1. Minimum of 3 tests undertaken in quick succession at each location/trial pit;
2. Lowest value obtained across the site to be used for calculating the required volume of soakaways;
3. Depth of testing to be representative of drainage proposals (i.e. shallower tests for permeable paving and deeper tests for conventional soakaways).

Full details of the infiltration testing should be provided and the geo-environmental assessment report should be submitted. A plan showing the location of the test pits should also be provided alongside this”.

**Lead Local Flood Authority - 30 March 2020-** “At present we maintain our objection to this variation of condition application for the following reasons:

1. Half drain time exceeds 24 hours

Whilst an improved infiltration rate has been identified from further testing conducted in February 2020, which allows for a half-drain time of less than 24 hours, the tests have not been performed in line with BRE DG 365 Guidance as only 1-2 tests have been performed per test pit. Furthermore, as lower infiltration rates were obtained from previous testing as part of the MLM Geo-Environmental Assessment in 2018, the lowest rate must be used to design the infiltration system.

When the system has been designed using the lowest infiltration rate achieved, the proposed soakaways in Zone 2 will have a half drain time of up to 2685 minutes during a 1 in 30 year rainfall event and 5004 minutes during a 1 in 100 year rainfall event plus a 40% allowance for climate change. Infiltration from full to half full should take no more than 24 hours (1440 minutes) during any rainfall event up to the 1% AEP. Half drain times of more than 24 hours present a risk of infiltration features being unable to manage rainfall during subsequent events. The system must be designed to prepare for the worst case scenario of high intensity rainfall events occurring one after the other”.

**Lead Local Flood Authority - 22 May 2020-** “Based on the Letter from Stirling Maynard Consultants (ref: P18147) dated 10 March 2020 this we can remove our objection to the application. The applicant has demonstrated that whilst the half-drain time is in excess of 24 hours, the infiltration devices are of sufficient size that they can accept a subsequent 1 in 30 event within 24 hours”.

**Cambridgeshire Fire And Rescue Service - No Comments Received**

**Design Out Crime Officers - 16 January 2020-** “I have viewed the documents in relation to crime, disorder and the fear of crime and I have no comment or objection at this time”.

**Economic Development - No Comments Received**

**Local Highways Authority** - 13 February 2020- "The highways authority objects to this application for the following reasons:

1. The proposal does not incorporate adequate facilities to enable a vehicle to turn on the site and so enter the highway in a forward gear, which is considered essential in the interests of highway safety.

The submitted vehicle tracking drawing clearly demonstrates that the turning and parking areas at the front of plots 1 to 6 do not function correctly and would not be suitable for daily use. If permitted this would likely result in vehicles reversing out on to the highway or reversing in to the properties which would mean vehicles stopping and manoeuvring on the highway to the detriment of highways safety".

**Local Highways Authority** - 15 April 2020- "1, 2 and 3 is basically impractical on a daily basis and 4, 5 and 6 don't work in my opinion".

**Local Highways Authority** - 29 April 2020- "The amended turning and parking arrangements have not overcome the highways impact and issues raised, as such my objections as previously stated remain".

**Local Highways Authority** - 12 May 2020- "The parking and manoeuvring indicated on the amended layout plan and tracking sketches appears to show that all vehicles have the ability to exit the site in forward gear. However, such is the limitation of manoeuvring areas available, the ability for all vehicles to exit in forward gear from their respective access point is wholly dependent upon a maximum of two vehicles being parked within the curtilage of each dwelling at any one time and further, each vehicle being parked exactly within the confines of the parking areas as drawn on your plan.

Experience suggests that the limited manoeuvring areas will be used as informal parking spaces for the residents and/or visitors. Notwithstanding that, if the LPA are satisfied that the proposed parking for each plot meets their parking standards (including accommodating visitors) and they feel they can attached an appropriate and reasonable condition to ensure these manoeuvring spaces are free of parking and obstruction and kept clear at all times, to facilitate this arrangement then the LHA could not sustain an objection to the scheme proposed".

**Conservation Officer** - No Comments Received

**ECDC Trees Team** - 30 January 2020- "The changes to the layout have not been reflected in a Tree Protection Plan, the TPP submitted to support application 17/01231/FUM needs to be updated to ensure the tree protection requirements are upheld with the changes to the layout. It is thought these changes are minor mainly affecting T2 however this needs to be demonstrated".

**ECDC Trees Team** - 2 April 2020- "The variation to the approved plans do not affect any of the trees along the eastern boundary identified for retention - No further comments".

**Housing Section** - 27 January 2020- "The Strategic Housing Team is currently unable to support the above application to vary the approved consent (17/01231/FUM) as this does not accord with Policy HOU3 to deliver 30%

affordable housing on site (application amended to 18 semi-detached dwellings would secure 5 affordable homes)

The Planning Statement makes reference that the new application accords with policy HOU3 but the plan and Design and Access Statement only indicate that four affordable dwellings will be delivered.

I also note that the Planning Statement refers to the tenure of the affordable dwellings to be delivered as 50% rented and 50% intermediate housing. The tenure requirement for East Cambs as defined within the latest SHMA is 77% rented and 23% intermediate housing”.

**Housing Section** - 15 April 2020- “We would require a commuted sum payment of £142,675 for the loss of one 2 bed affordable dwelling. This is based on the OMV of £275,000 - £ 132,325 (average of two RP offers) = £142,675.

As there should be no benefit in the developer not supplying affordable housing on site, this will be the commuted sum value we will need to secure within the S106, along with four affordable dwellings on site”.

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

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

**Environmental Health** - 13 January 2020- “I have read the Application Form and the Planning Statement which advises that the variation is "to allow for amended layout and unit typologies”.

I have no further comment I wish to make to Claire's previous response” These comments related to construction times and deliveries and that there were no concerns if the offices are in B1 use class.

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

**Strategic Planning** - No Comments Received

**Technical Officer Access** - 22 January 2020- “Firm, level and slip resistant pathway is needed from the accessible parking to the office block and from Quarry Lane on to the site, as no pathway is shown. Good lighting required”.

**Ward Councillors** - No Comments Received

- 5.2 Neighbours – 24 neighbouring properties were notified and the responses received are summarised below. A site notice was displayed near the site on 27<sup>th</sup> January 2020 and a press advert was published in the Cambridge Evening News on 13<sup>th</sup> January 2020. A full copy of the responses are available on the Council’s website.

Hill Cottage- Concerned for the access for plots 15-18 and highway safety.

18 Mill Road- Concerned for the access for plots 15-18 and highway safety.

4 Station Road- Concerns for highways safety and height of dwelling proposed.

1 Station Road (Martin House)- Objection- Impact on views, height of dwellings. Concerns for new access road, concerns for wildlife and tree planting, concerns for the design of the proposed dwellings, concern for affordable housing. Objected again based on amended plans.

34 Quarry Lane- Objection-

- “The buildings are too high and will impact badly on the character of the village and the hillside.
- Numerous exits for cars directly onto Quarry Lane and Heath Road. These will create traffic hazards especially on the bend.
- Off road car parking is extremely limited and will result in on road parking creating yet another hazard on this busy road.
- Gardens are minute, offering limited space for planting to soften the impact of these dwellings.
- I do not believe that this development conforms to the policies of the Local Plan.
- The design of these three floor houses is more suited to a city development than this rural site.
- There is a badger sett near to the site which will be disturbed.
- Access to the field beyond will be compromised.
- This plan does not tie in with the proposed plan for the pony field opposite, which proposes a realignment of the Quarry Lane/Heath Road junction. This work was proposed for safety reasons and is completely ignored in this proposal”.

39 High Street- Objection-

- “The buildings are too high and will impact badly on the character of the village and the hillside.
- There are numerous exits for cars from the houses directly onto Quarry Lane. These will create traffic hazards especially on the bend opposite the listed white cottage.
- Off road car parking for between 36 and 54 vehicles cannot be achieved. (18 for the DeSangosse office and at least 18 for the new houses but will probably be as many as 36 as many owners will have 2 cars. Proposed parking spaces for each house is extremely limited, on road parking will inevitably happen creating yet another hazard on this busy road.
- The "gardens" are minute and it will not be possible to plant trees to soften the visual impact of these near identical prefabricated buildings.
- The design of these three floor houses is more suited to a compact city development than this rural setting.
- It would appear that the right of access to the field behind will be lost”.

48 Commercial End- Objection-

- “Negative effect of the development on the character of the neighbourhood. Swaffham Bulbeck has a green corridor running through the middle of the village, mostly a Conservation Area.
- High density / over-development of the site compared with existing development in the vicinity. It is of higher density than most other developments in the village and very high density for a village fringe development.

- Intrusive urbanisation on the surrounding rural landscape and so creates significant and demonstrable harm to the character and appearance of the area.
- Visually dominates the surrounding area as buildings would be at a higher level and it would interfere with the green corridor flowing down to the Denny. The site dominates the village - it varies from 19 to 21m AOD, whereas the main road in the village centre typically lies between 8 and 10m AOD. The houses are shown as 2 ½ storey so are not low-rise.
- Visual impact of the development on the landscape & adverse effect on the residential amenity of neighbouring owners: The approaches to the village are through open fields.
- Adverse effect on highway safety or the convenience of road users, especially close to the bend on Quarry Lane and the junction with Heath Road, which is a busy rat-run from villages towards Burwell & beyond. Plots 15-18 show 4 houses with 2 car parking places each coming out onto Heath Road between a blind hill and a junction.
- Only 22% is affordable housing, not meeting the target.
- There is insufficient tree planting to soften the development”.

63 Commercial End- Objection- Concerns for the appearance, scale and highway safety.

66 Commercial End- Objection- “The planting scheme because most plants selected are not suited to the site and will grow poorly or not at all, and the unnecessary removal of trees, which will increase soil erosion”.

Hill Cottage- Objection- Concerns for highways safety.

28 Quarry Lane- Objection- To plots 1-6, the accesses and the level of parking.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

|          |  |
|----------|--|
| GROWTH 1 | Levels of housing, employment and retail growth        |
| 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  |
| ENV 12   | Listed Buildings                                       |
| COM 7    | Transport impact                                       |
| COM 8    | Parking provision                                      |

- 6.2 Supplementary Planning Documents
  - Design Guide
  - Contamination
  - Developer Contributions
  - Cambridgeshire Flood and Water
  
- 6.3 National Planning Policy Framework 2019
  - 5 Delivering a sufficient supply of homes
  - 9 Promoting sustainable transport
  - 12 Achieving well designed places
  - 14 Meeting the challenge of climate change, flooding and coastal change
  - 15 Conserving and enhancing the natural environment
  
- 7.0 PLANNING COMMENTS
  
- 7.1 Principle of development
  
- 7.2 On 21<sup>st</sup> April 2020 The Council published its Five Year Land Supply Report which sets out the process for calculating the five year land supply based on the requirements of the revised National Planning Policy Framework (NPPF) published in February 2019. The report concludes that the Council can demonstrate 6.61 years' worth of supply. Consequently, the tilted balance provisions of paragraph 11 do not apply.
  
- 7.3 The principle of development was established under LPA Ref 17/01231/FUM which was approved on the 18<sup>th</sup> January 2018. The latest date the development can be commenced is the 18<sup>th</sup> January 2021. There has been no change in circumstances on site or to the relevant policy considerations. The proposal is considered to be acceptable in principle; all other material matters are covered below.
  
- 7.4 Green Belt
  
- 7.5 Policy ENV10 of the East Cambridgeshire Local Plan requires that development permitted adjacent to the Green Belt will ensure there will be no adverse impact on the purposes of Green Belt. Any development on the edges of settlements that are surrounded by the Green Belt must also include high quality landscape and design in order to protect the purposes of the Green Belt. The design and landscape are discussed within this section of the report.
  
- 7.6 The Town and Country Planning (Consultation) (England) Direction 2009 states that Green Belt development means development which consists of, or includes, inappropriate development on land allocated as Green Belt in an adopted Local Plan and which consists of the provision of a building or buildings where the floor space to be created by the development is 1,000sqm or more or any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

- 7.7 In this case all the dwellings are outside of the Green Belt. The amended scheme is not considered to constitute development that would significantly impact on the openness of the Green Belt.
- 7.8 Visual Amenity
- 7.9 Policy ENV2 states that: “The Council will encourage innovative, creative good modern architectural design that complies with the principles set out below”. The previous application was deemed to comply with the requirements of policy ENV2 of the Local Plan 2015. The proposed dwellings are considered to represent a significantly high level of design quality which retains the form of development as established by the previous application.
- 7.10 The scheme proposes 18 semi-detached residential dwellings at 2 - 2.5 storeys reaching a maximum height of 9.8 metres in height. This slightly taller than those previous approved which reach a maximum height of 8.5 metres including the apartment blocks. The building line along Quarry Lane and Swaffham Heath Road follows the existing street structure to provide a continuous frontage. In relation to the layout amendments that are the subject of the changes to the approved plans, Plots 11 - 14 are pushed forward, emphasising the corner. Parking for these plots is created internally, away from the busy intersection. The scheme includes rotating Plot 7 - 8 and 9 - 10 to face the internal road and frame the entrance to the site which was discussed in details with Officers during the pre-application phase. A buffer of vegetation between Plot 7 - 8 and 9 - 10 and Quarry Lane helps frame the entrance to the site.
- 7.11 In a similar way to the previous approval, a new internal road is created, utilising the existing entrance to site. Parking for the existing commercial building is introduced at the rear of the site. The new internal road serves as access to the commercial building and plots 7 – 14. Amended Drawings received on the 17<sup>th</sup> June 2020 show two accesses to serve plots 1-6 to allow space for turning and manoeuvring as discussed in the highways section later on in this report. Plots 15-18 have a single access point off Swaffham Heath Road.
- 7.12 The 'front' elevations of Plots 1 - 6 and 11 - 18 face Quarry Lane / Swaffham Heath Road. Plots 7 - 10 turn to face the internal road. The proposed elevations are traditional in character with some contemporary elements. Soldier course detailing wraps around the entire building, broken only by the reconstituted stone lintels above windows and doors. A brick recess occurs between the ground floor and first floor, and between the first floor and roof, wrapping the building above the soldier course.
- 7.13 A side facade has been developed with recessed brick panels and reconstituted stone detailing to match window proportions, this occurs on the Plot 1 elevation facing south and the Plots 7-10 elevations facing Swaffham Heath Road to break up the brick façade facing the public highway.
- 7.14 In relation to materials, the submitted Design and Access statement states that buff brick is used heavily, with red and darker buff brick also used. The darker brick is applied to Plots 7 - 10 to highlight that they have been turned away from the street and to frame the entrance to the internal road. A slate effect roof tile proposes to

reflect local character and gives the roof clean lines and window and door lintels are emphasised through the use of reconstituted stone. Anthracite grey has been chosen as the colour for all window frames, door frames, down pipes etc. on the scheme, helping to create a unified development.

- 7.15 In the same way as the previous consent, the proposal is a good example of contemporary design with changes in form, design flourishes and materials providing visual interest. This creates a very high quality design and is backed up by the material selection. The height difference is noted, however this is not considered to result in an unacceptable degree of harm to the character and appearance of the site and surrounding area together with the other changes proposed. This weighs heavily in favour of the application.
- 7.16 It is considered that the amendments to LPA Ref 17/01231/FUM in relation to layout, design, dwelling mix and number of dwellinghouses will be of a very high quality. Officers believe that the benefits of the design outweigh the concerns outlined through the previous application relating to density and the creation of an urban built frontage.
- 7.17 Residential Amenity
- 7.18 With the siting of the proposed dwellings it is considered that there will be no detrimental impact to residential amenity from the completed dwelling units. The siting of the properties and the design and proposed fenestration pattern ensure no unacceptable overlooking or overbearing impact. The requested construction hours condition is considered reasonable in order to prevent detrimental noise pollution from the construction works. The requested potential contaminated land conditions can also be added.
- 7.19 The Agent has stated in their planning statement that “the repositioning of the parking within the curtilage of the plots would result in larger garden sizes provided to each proposed dwellings and removes the requirement for the retaining walls”. With the amount of dwellings on site, many of the plots have a small amount of private amenity space (approx 40 square metres) while others have larger gardens (for example approx 56 square metres and 100 square metres). The range of garden sizes is considered to be acceptable, as not all occupiers want a large garden and the houses are of varying sizes, but this does weigh slightly against the proposal as a village edge plot is expected to have a good garden size.
- 7.20 The existing office building on site is not expected to create any undue disturbance to the potential future residents due to its B1 use, unexpected noise issues could still be covered under Environmental Health legislation. Any permitted change of use could be restricted by condition.
- 7.21 Historic Environment
- 7.22 The amendments to LPA Ref 17/01231/FUM in relation to the amended layout, design, dwelling mix and number of dwellinghouses are not considered to cause any noticeable harm to the historic quality of the area.



- 7.23 Highways
- 7.24 The previously approved parking ratio of 2 spaces per unit is retained as is the level of parking and servicing for the retained office building. The repositioning of the parking for units 15-18 to the front of the site removes the level of parking to be accessed from the shared access drive which is considered to represent an improvement to the scheme. The access to the office and parking remains in the same position as previously approved.
- 7.25 The amended layout was discussed extensively with County Highways after the submission of the amended plan Drawing ref P18147-SK01 Rev F (dated 10<sup>th</sup> March 2020) which relates to vehicle tracking. The amended layout, which was agreed with Highways, is demonstrated on the amended plans received on the 17<sup>th</sup> June 2020 which addresses concerns by including two accesses to serve plots 1-6 to allow space for turning and manoeuvring. Plots 15-18 have a single access point off Swaffham Heath Road.
- 7.26 Parking for the existing office is provided by a new car park of 19 spaces at the rear of the site. This includes four disabled spaces. For the residential development each residential unit has two spaces either accessed off Quarry Lane (Plots 1-6), Swaffham Heath Road (Plots 15-18) and the new access road (Plots 7-14).
- 7.27 In the latest comments from County Highways dated they have commented in the following way:
- 7.28 “The parking and manoeuvring indicated on the amended layout plan and tracking sketches appears to show that all vehicles have the ability to exit the site in forward gear. However, such is the limitation of manoeuvring areas available, the ability for all vehicles to exit in forward gear from their respective access point is wholly dependent upon a maximum of two vehicles being parked within the curtilage of each dwelling at any one time and further, each vehicle being parked exactly within the confines of the parking areas as drawn on your plan.
- 7.29 Experience suggests that the limited manoeuvring areas will be used as informal parking spaces for the residents and/or visitors. Notwithstanding that, if the LPA are satisfied that the proposed parking for each plot meets their parking standards (including accommodating visitors) and they feel they can attached an appropriate and reasonable condition to ensure these manoeuvring spaces are free of parking and obstruction and kept clear at all times, to facilitate this arrangement then the LHA could not sustain an objection to the scheme proposed”.
- 7.30 Therefore, The Local Highways Authority has considered the amendments and considers that it overcomes their objection. Officers are content that two car parking spaces are to be provided per dwellinghouse. For plots 1-6 these are in a tandem format with space for turning in the driveway spaces and it is these plots that has been subject to discussion with County Highways. It is not possible to control resident’s actions long term in relation to turning and using the space for these purposes. However, enough space is considered to be provided following the amended layout and the space provided for turning is considered to be acceptable

for plot 1-6. Permitted development rights relating to erecting gates wall and fences are removed through a planning condition to ensure turning areas are not obstructed on this basis the proposal is considered to be acceptable.

- 7.31 A condition will be added to remove boundary rights in order to ensure gates cannot be erected.
- 7.32 The proposal is considered to comply with policies COM7 and COM8 of the adopted Local Plan 2015.
- 7.33 Ecology
- 7.34 As part of the previous proposal an exclusion area was provided around the badger sett on the boundary of the site. A licence to close the badger sett has since been obtained from Natural England, details of which are submitted with this application. An updated Ecological Impact Assessment has been undertaken to support the amended layout and has been submitted with this application.
- 7.35 The proposal if suitably controlled will have no detrimental impact upon biodiversity in the area and a condition can be added to ensure that the proposal enhances upon biodiversity within the local area; this can be achieved through conditions.
- 7.36 Flood Risk and Drainage
- 7.37 The site is located within Floodzone 1 and the request of the Lead Local Flood Authority to condition surface water is considered to be reasonable. The Local Lead Flood Authority were satisfied with the ability of the previous proposal to control foul and surface water with relevant conditions added to the decision notice. A Drainage Strategy Plan and Drainage Strategy Report have been submitted as part of this application which sets out how the amended layout will adequately dispose of foul and surface water in line with guidance and policy. The proposal will have no detrimental impact upon water flow in the local area.
- 7.38 Affordable Housing and Housing Mix
- 7.39 The total amount of housing on the site has been reduced by a single dwelling from 19 to 18 dwellings. The previous application provided a mix of 8no. two bedroom dwellings, 8no. three bedroom dwellings and 3no. four bedroom dwellings. The current proposed development provides a mix of 6no. two bedroom dwellings and 12no. three bedroom dwellings.
- 7.40 The previous application provided a total of 8 affordable dwellings out of 19 dwellings which equated to 42% as required under policy HOU3 of the Local Plan 2015, which requires at least 40% affordable housing.
- 7.41 Following the withdrawal of the emerging Local Plan a Viability Assessment was published in April 2019 to consider the appropriate level of affordable housing which should be provided in different areas across the District. The report recommended that the appropriate and viable level of affordable housing for the southern part of the district which includes Swaffham Bulbeck should be set at 30%.

- 7.42 The application proposes a total of 4 affordable housing units on site (21%) with 2 dwellings as affordable rent and 2 dwellings as shared ownership. The proposed dwellings, which will be tenure blind, are to be constructed using off-site manufacturing technology and the Agent has advised that the manufacturing process for proposed dwellings means that they are unable to be constructed as single detached dwellings and a mix of market and affordable as semi-detached dwellings may be impractical. However, they are proposing an off-site contribution in a financial sum.
- 7.43 Longhurst Group will be managing the affordable housing units through a section 106 agreement with WoollensBrook. In view of the innovative off-site manufactured product being implemented on the scheme being a new venture for Longhurst Group they would be very reluctant to accept half of a semi-detached dwelling therefore an offsite contribution will be made to ensure that the proposed development provides 30% affordable housing.
- 7.44 The Housing Officer has been consulted and has commented that they “would require a commuted sum payment of £142,675 for the loss of one 2 bed affordable dwelling. This is based on the OMV of £275,000 - £ 132,325 (average of two RP offers) = £142,675. As there should be no benefit in the developer not supplying affordable housing on site, this will be the commuted sum value we will need to secure within the S106, along with four affordable dwellings on site”. Confirmation has been received from the Agent that they are accepting of this advice.
- 7.45 An amended S106 agreement is required relating to a reduced education contribution given that the number of dwellinghouses proposed is being reduced from 19 to 18 and to reflect the proposed number of affordable housing and the proposed off site contribution.
- 7.46 Education Requirement
- 7.47 The s106 for the proposed 19 dwellinghouses under LPA Ref 17/01231/FUM defined the contributions in relation to education. The current application and the revised s106 will need to ensure that contributions relate to the loss of one dwelling on the application site as well the amended affordable housing provision.
- 7.48 Planning Balance
- 7.49 The principle of the development was established under LPA Ref 17/01231/FUM and is therefore considered to be acceptable.
- 7.50 The amended plans relate only to the amended layout, design, dwelling mix and number of dwellinghouses proposed within the application site.
- 7.51 The concerns through the application process relating to the layout of plots 1-6 and their accesses off Quarry Lane have been extensively discussed and resolved with County Highways. The matter of affordable housing provision has been extensively discussed with the Agent and the Housing Officer. The issues relating to drainage have been extensively discussed with the Agent and Lead Local Flood Authority to address concerns. The amendments to the height and layout including the design

solutions on the flank walls of plots 7 and 9 facing Quarry Lane have been well received by Officers.

- 7.52 The application would propose a shortfall of on-site provision for affordable housing against the requirement for 30% affordable housing in the south of the District under policy HOU3 of the Local Plan 2015. However, a Viability Assessment was undertaken in April 2019 to consider the appropriate level of affordable housing which should be provided in different areas across the District. The report recommended that the appropriate and viable level of affordable housing for the southern part of the district which includes Swaffham Bulbeck should be set at 30%.
- 7.53 The application proposes a total of 4 (out of the 18 proposed dwellinghouses) to be affordable housing units on site (which equates to 21%) with 2 dwellings as affordable rent (50%) and 2 dwellings as shared ownership (50%). The Agent has advised that the proposed dwellings are to be constructed using off-site manufacturing technology and the Agent has advised that the manufacturing process for proposed dwellings means that they are unable to be constructed as single detached dwellings and a mix of market and affordable as semi-detached dwellings may be impractical. However, they are proposing an off-site contribution in a financial sum.
- 7.54 The contemporary design provides a strong architectural statement to the local area, which will dramatically change the current character. However, the overall design is considered to enhance the local area.
- 7.55 The application is therefore recommended for approval, subject to the recommended conditions and a revised S106 to secure the off site affordable housing contribution.
- 7.56 COSTS
- 7.57 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.
- 7.58 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.
- 7.59 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.
- 7.60 In this case Members' attention is particularly drawn to the following points:

- No statutory bodies have objected to the proposed variation of condition and the amended layout, design and number of dwellinghouses proposed.
- The principle of development was established under LPA Ref 17/01231/FUM which was approved on the 18<sup>th</sup> January 2018. The latest date the development can be commenced is the 18<sup>th</sup> January 2021.

## APPENDICES

### 7.61 Appendix 1 - Conditions

| <u>Background Documents</u> | <u>Location</u>             | <u>Contact Officer(s)</u>                       |
|-----------------------------|-----------------------------|---|
| 19/01721/VARM               | Emma Barral<br>Room No. 011 | Emma Barral<br>Planning Officer<br>01353 665555 |
| 17/01231/FUM                | The Grange<br>Ely           | emma.barral@eastc<br>amb.s.gov.uk               |

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

## APPENDIX 1 - 19/01721/VARM Conditions

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

| Plan Reference            | Version No | Date Received      |
|---------------------------|------------|--------------------|
| P18147-SK01               | F          | 10th March 2020    |
| Design & Access Statement | REV A      | 17th June 2020     |
| AL7643-2001               | REV C      | 17th June 2020     |
| AL7643-2002               | REV C      | 17th June 2020     |
| AN7643-1102               | REV E      | 17th June 2020     |
| AN7643-1100               | REV D      | 17th June 2020     |
| AN7643-1101               | REV G      | 17th June 2020     |
| View 1                    |            | 17th June 2020     |
| View 2                    |            | 17th June 2020     |
| View 3                    |            | 17th June 2020     |
| P18147-SK01               | F          | 10th March 2020    |
| AN7643-1001               | B          | 12th December 2019 |
| AN7643-1110               | B          | 12th December 2019 |
| AN7643-1111               | C          | 12th December 2019 |
| AN7643-1113               | C          | 12th December 2019 |
| AN7643-1112               | C          | 12th December 2019 |
| AN7643-1130               | C          | 12th December 2019 |
| AN7643-1131               | B          | 12th December 2019 |

- 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 the decision notice for LPA Ref 17/01231/FUM which is the 18th January 2018.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 Prior to first occupation a scheme of car parking lighting shall be submitted to agreed in writing by the Local Planning Authority. Development shall commence in accordance with the approved details.
- 3 Reason: To safeguard the residential amenity of neighbouring occupiers, the character of the area and ensure suitable security, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 No development shall take place until a scheme to dispose of surface water (including long term maintenance) has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation of any dwelling.
- 4 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

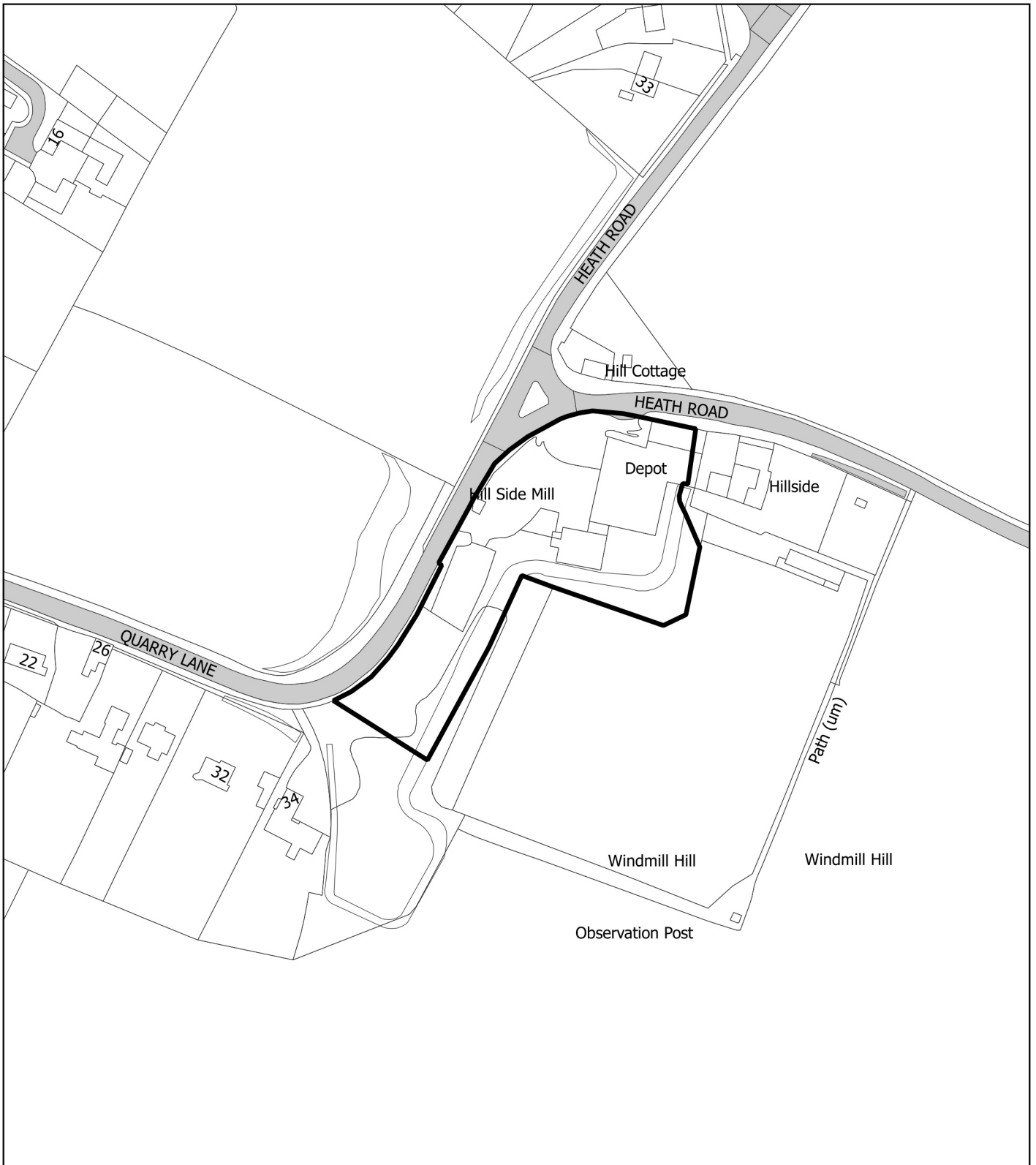
- 5 During the construction phase of the development construction work and deliveries to the site shall be restricted to the following times:
- 07:30 - 18:00 each day Monday - Friday  
 07:30 - 13:00 on Saturdays and  
 None on Sundays or Bank Holidays
- 5 Reason in the interests of protecting the amenities of nearby residents in accordance with the requirements of policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 7 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.

- 8 Prior to occupation a scheme of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority. Development shall commence in accordance with the approved details prior to any dwelling being occupied.
- 8 Reasons: In the interests of public safety.
- 9 The tree protection measures as shown on Arboricultural Impact Assessment shall be implemented prior to the commencement of development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 9 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 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 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.
- 10 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 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. 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.
- 11 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation.



- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 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.
- 13 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no fences, gates or walls shall be erected within the curtilage of the dwelling houses or across any parking area for the offices.
- 14 Reason: In the interests of highway safety, in accordance with policies ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 15 The existing access(es) shall be permanently and effectively closed and the footway / highway verge shall be reinstated in accordance with drawing number AN7643-1101 Rev G, within 28 days of the bringing into use of the new access.
- 15 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 16 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 16 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 17 Prior to any demolition, development or site clearance, the mitigation measures as detailed in the ecology report dated 18 November 2019 by agb Environmental shall be carried out in accordance with that strategy, or in accordance with any subsequent amendments made with the approval in writing of the Local Planning Authority. A copy of the ecology report mitigation measures shall be provided to all external contractors working on the site by the developer.
- 17 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 18 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 18 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

- 19 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 19 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 20 No above ground construction shall take place on site until details of the brickwork to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 20 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 21 The materials to be used in the construction of the external surfaces for the roof, timber walls, rainwater goods and fenestration shall be as specified on the approved drawings. All works shall be carried out in accordance with the approved details.
- 21 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 22 The offices hereby retained shall be used for purposes within Class B1 of the Town and Country Planning (Use Classes) Order 2015 as amended, and for no other purpose or class usually permitted by the order.
- 22 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.



19/01721/VARM

Car Park  
Hill Side Mill  
Quarry Lane  
Swaffham Bulbeck



East Cambridgeshire  
District Council

Date: 16/06/2020  
Scale: 1:2,000



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**MAIN CASE**

**Reference No:** 20/00214/FUL

**Proposal:** Proposed conversion of outbuilding to provide annexe accommodation

**Site Address:** Cross Green House Cross Green Soham Ely  
Cambridgeshire CB7 5DU

**Applicant:** Mr & Mrs Charlesworth

**Case Officer:** Rachael Forbes, Planning Officer

**Parish:** Soham

**Ward:** Soham South  
Ward Councillor/s: Ian Bovingdon  
Dan Schumann

**Date Received:** 10 February 2020      **Expiry Date:** 6<sup>th</sup> July 2020

[V27]

1.0 **RECOMMENDATION**

1.1 Members are recommended to **APPROVE** the application subject to the recommended conditions below. The conditions can be read in full on the attached Appendix 1.

- 1 Approved Plans
- 2 Full Time Limit
- 3 Annexes

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks the conversion of a Grade II listed stable and coach house (NHLE reference 1126453) to an annexe. The application is being assessed alongside application reference 20/00215/LBC.

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

2.3 The application has been brought before Planning Committee as the applicant is a District Councillor, in accordance with the Council's Constitution.

### 3.0 PLANNING HISTORY

3.1

|  |  |          |            |
|--|--|----------|------------|
| 20/00215/LBC<br><i>Pending<br/>Consideration</i> | Proposed conversion of outbuilding to provide annexe accommodation           |          |            |
| 15/00895/LBC                                     | Demolish and rebuild boundary wall   | Approved | 02.10.2015 |
| 15/00963/FUL                                     | Demolish and rebuild boundary wall   | Approved | 30.09.2015 |
| 16/01041/LBC                                     | Siting of waste water and extractor outlets in the North East exterior wall. | Approved | 17.10.2016 |

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The building proposed for conversion is a Grade II listed stable and coach house (NHLE reference 1126453) within the curtilage of Cross Green House (NHLE ref 1160782 Grade II), a former vicarage prominently located within the Soham conservation area. The site is also situated within the development envelope of Soham. The surrounding area comprises a mixture of residential and commercial properties.

### 5.0 RESPONSES FROM CONSULTEES

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

#### **Parish Council – 1 June 2020**

No comment or objection.

#### **Ward Councillors - No Comments Received**

#### **Conservation Officer - 21 February 2020**

The application site is NHLE ref 1126453, an individually-listed Grade II C19 stable & coach house within the curtilage of Cross Green House (NHLE ref 1160782 Grade II), a former vicarage prominently located within the Soham conservation area. It is of flint with brick dressings and a slate roof, and although the two halves are of different spans, it is clear from the Paddock St elevation that they are of a single build.

The application is supported by a heritage statement which complies with NPPF requirements. However it misses the point that these types of ancillary building are analogous to farm buildings, which have particular sensitivities around residential conversion, so it is appropriate to assess the scheme against Historic England's 2017 specialised guidance 'Adapting Traditional Farm Buildings: Best Practice Guidelines for Adaptive Re-use':

'Any adaptation will need to strike a balance between the practical requirements of a new use and protection of the historic character of the existing farm building and its setting. Thoughtful and innovative design can usually resolve these potential conflicts, but users may have to accept some degree of compromise - for example restricted headroom or slightly lower daylight levels than might be ideally desired.

Because ventilation was a more important consideration than light, farm buildings often have few external openings. The historic pattern of openings is related to the function of the building over time, and often makes a fundamental contribution to its mass and character.

Maximising the use of these existing openings by planning internal spaces around them and limiting the formation of new ones will help retain character. Where new openings are added or new windows inserted within existing door openings, great care needs to be given to their placing and design.

Where a degree of subdivision is possible it needs to respect the original structural bay divisions, whether these are defined by cross-walls, framed partitions or masonry nibs...When a space is subdivided, borrowed light can be used to avoid the need for new external openings...

One of the most sensitive issues with any farm building adaptation is the insertion of roof lights. Farm buildings rarely had any form of glazing at roof level, though sometimes glazed tiles or slates were used. Numerous new roof lights poorly positioned can have an intrusive impact, particularly where the roof is the dominant characteristic and is steeply pitched.'

The building is of domestic scale and indeed incorporated some groom's living accommodation, which was commonplace in coach houses, so in principle the residential use proposed is not incompatible. However the conversion scheme must work within the building's constraints. With this in mind it is evident that too many rooflights are proposed on the south roof pitch: both bedrooms already have windows and there is the opportunity of glazing the taking-in door in the east gable, so only the one to the bathroom has any real functional justification. As the 2017 Guidelines stress, 'users may have to accept some degree of compromise...[such as] slightly lower daylight levels than might be ideally desired' and as bedrooms are not generally occupied in daylight hours, the rooflights could easily be omitted without penalty.

One of the principal objectives when converting buildings which were not built for human habitation is to avoid over-domestication, and features such as porches and balconies tend to dilute their functionalism. The balcony platform to the east gable is an uncharacteristic feature, and is likely to generate overlooking conflicts on Paddock St in any case, so should be omitted. It might still be desirable to glaze the taking-in door but this could be treated as a fixed screen or French doors with a Juliet balcony within the opening.

Recommendation: amendments recommended

**Conservation Officer – 12 May 2020 (following amended plans)**

The amendments have addressed all the previous heritage concerns.

Recommendation - no objection subject to the following conditions:

Rooflight details

Joinery details - Before work begins, drawings to a scale of 1:20 (part elevations) and 1:5 (head, jamb, sill & glazing bar sections) fully detailing all new windows and doors throughout the site shall be approved in writing by the Local Planning Authority and installed completely in accordance with the approval.

**Consultee For Other Wards In Parish - No Comments Received**

**Local Highways Authority - 3 March 2020**

The highways authority has no objections in principal to this application

The development benefits from an existing access with the highway.

I would recommend that the planning authority ensures that there is sufficient vehicle parking and turning for both properties within the curtilage of the development, so as to enable the required number of vehicle to complete the necessary turning maneuvers to enter the highway in a forward gear.

**Waste Strategy (ECDC) - 13 March 2020**

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

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

5.2 **Neighbours** – five neighbouring properties were notified and no responses were received. A site notice was posted on 24<sup>th</sup> February 2020 and a press notice was published in the Cambridge Evening News on 19<sup>th</sup> February 2020.

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 11   | Conservation Areas                               |
| ENV 12   | Listed Buildings                                 |

## 6.2 **Supplementary Planning Documents**

Soham Conservation Area  
Design Guide

## 6.3 **National Planning Policy Framework 2019**

- 2 Achieving sustainable development
- 12 Achieving well-designed places
- 16 Conserving & enhancing the historic environment

## 6.4 Planning Practice Guidance

## 7.0 PLANNING COMMENTS

The main considerations in the determination of this application are the principle of development, impact on the historic environment and visual amenity, residential amenity and any other matters.

### 7.1 **Principle of Development**

- 7.1.1 The East Cambridgeshire Local Plan 2015 does not contain a specific policy relating to residential annexes and applications for this type of proposal are assessed based on their functional relationship with the existing dwelling, to ensure they are not tantamount to the creation of a new dwelling or separate planning unit.
- 7.1.2 The proposed annexe would be situated within an existing building in the residential curtilage of Cross Green House. The building is a Grade II listed stable and coach house within the curtilage of Cross Green House currently used for storage. The proposal would use existing openings and no new ones are proposed. The elevation to Paddock Street has no alterations save for the first floor door to the hay loft, which is glazed and the door retained as a shutter. The existing slate roof will also be retained.
- 7.1.3 The annexe would contain flexible accommodation so that the occupant could live on the ground floor if they could no longer manage the stairs. The outbuilding is large and would accommodate a kitchen, utility room, sitting room and a future bedroom and future bathroom on the ground floor and two bedrooms and a bathroom on the first floor. While the level of accommodation in the annexe would allow the occupant to be somewhat independent of the main dwelling, the parking area and garden would be shared.
- 7.1.4 A condition is recommended to the planning permission (condition 3) ensuring that the annexe is linked to the host dwelling as ancillary accommodation to the existing residential use of that property. This would prevent the annexe being subdivided into a



new dwelling or separate planning unit which would likely be considered unacceptable. Furthermore, both buildings are listed and the list entry for the coach house and stables states that they have been included for group value and therefore separation of the listed buildings is unlikely to be supported. The application is therefore not tantamount to a new dwelling and is supported in principle.

## 7.2 **Historic Environment and Visual Amenity:**

- 7.2.1 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of Listed Buildings.
- 7.2.2 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.
- 7.2.3 Policy ENV 11 of the East Cambridgeshire Local Plan, 2015 states that development within a Conservation Area should be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of the area.
- 7.2.4 Policy ENV12 of the East Cambridgeshire Local Plan, 2015 states that proposals that affect the setting of a Listed Building will only be permitted where they would:
- Preserve or enhance those elements that make a positive contribution or better reveal the significance of the heritage asset
  - Not materially harm the immediate or wider setting of the Listed Building
  - Facilitate the long term preservation of the building.
- 7.2.5 Policy ENV1 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 ENV2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.
- 7.2.6 The application site is an individually-listed Grade II C19 stable & coach house within the curtilage of Cross Green House, a former vicarage prominently located within the Soham conservation area. It is of flint with brick dressings and a slate roof, and although the two halves are of different spans, it is clear from the Paddock Street elevation that they are of a single build.
- 7.2.7 Historic England's 2017 specialised guidance 'Adapting Traditional Farm Buildings: Best Practice Guidelines for Adaptive Re-use' states:

*'Any adaptation will need to strike a balance between the practical requirements of a new use and protection of the historic character of the existing farm building and its setting. Thoughtful and innovative design can usually resolve these potential conflicts, but users may have to accept some degree of compromise - for example restricted headroom or slightly lower daylight levels than might be ideally desired.'*

*Because ventilation was a more important consideration than light, farm buildings often have few external openings. The historic pattern of openings is related to the function of the building over time, and often makes a fundamental contribution to its mass and character'.*

*One of the most sensitive issues with any farm building adaptation is the insertion of roof lights. Farm buildings rarely had any form of glazing at roof level, though sometimes glazed tiles or slates were used. Numerous new roof lights poorly positioned can have an intrusive impact, particularly where the roof is the dominant characteristic and is steeply pitched.'*

- 7.2.8 The Conservation Officer commented that the building is of domestic scale and incorporated some groom's living accommodation, which was commonplace in coach houses and so in principle the residential use proposed is not incompatible, however, the conversion scheme must work within the building's constraints. Originally, the proposal contained six rooflights on the south roof pitch, these have been omitted following objections from the Conservation Officer, with the exception of the one to serve the bathroom.
- 7.2.9 The Conservation Officer also objected to the balcony to the east gable due to being an uncharacteristic feature of this type of building. This has been removed and replaced with a glass door and glass balustrade.
- 7.2.10 Following these amendments, the Conservation Officer has no objections to the proposals subject to conditions for rooflight details and joinery details. As the building is listed and a listed building application has been submitted for these works (20/00215/LBC), these conditions would be appended to that decision.
- 7.2.11 It is therefore considered that the proposal will preserve the character and appearance of the Conservation Area, preserve the significance of the Listed Building and not result in harm to the character and appearance of the area and complies with Policies ENV 1, ENV 2, ENV 11 and ENV 12 of the East Cambridgeshire Local Plan, 2015 and Chapter 16 of the NPPF 2019.

### 7.3 **Residential Amenity:**

- 7.3.1 Policy ENV2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers.
- 7.3.2 The stable and coach house proposed is adjacent to Paddock Street. There are dwellings situated opposite to the proposed annexe on Paddock Street. Following the removal of the rooflights, with the exception of the rooflight to serve the bathroom, there are no additional openings proposed and existing openings will be utilised. All windows and doors, with the exception of the window to serve the first floor landing and the glazed doors on the eastern gable will face towards Cross Green House.
- 7.3.3 The window on the north east elevation facing the dwellings situated opposite is noted on the plan as a glazed screen. It is considered that this would resolve any overlooking issues and the window serves a non-habitable room and would therefore be considered acceptable. The glazed doors on the eastern elevation will not open onto a platform

following the removal of the balcony from the proposal. The doors would face the garden at Cross Green House and it is considered that it would not provide a direct view of the dwellings opposite.

7.3.4 As the building is not being enlarged in any way, it is considered that there would be no increase in any overshadowing or overbearing impacts that already exist.

7.3.5 The proposal is therefore considered to comply with Policy ENV 2 of the East Cambridgeshire Local Plan, 2015.

#### 7.4 **Other Material Matters:**

The Local Highways Authority has been consulted as part of the application and have no objections in principle to this application and have noted that the development benefits from an existing access with the highway. The Local Highway Authority have further commented that they would recommend that the planning authority ensures that there is sufficient vehicle parking and turning for both properties within the curtilage of the development, so as to enable the required number of vehicle to complete the necessary turning manoeuvres to enter the highway in a forward gear. During the site visit, it was noted that three cars were parked in the gravel driveway, which were all facing towards the access to the site which suggests that there is ample parking and turning. Furthermore, as the proposal is for an annexe, an ancillary building to the host dwelling, the applicant would not be expected to provide two further parking spaces for the annexe.

#### 7.5 **Planning Balance**

7.5.1 The conversion of the existing stables and coach house to an annexe has been assessed on its functional relationship with the existing dwelling. While it is accepted that the amount of accommodation proposed does result in a level of independence from the main dwelling, it will share the parking and garden areas. A condition has been recommended to tie the annexe to the main dwelling which will prevent it being used as a separate dwelling (condition 3). Further to this, the outbuilding and main dwelling are listed individually but the stables and coach house have been included for group value and therefore sub-dividing or the creation of a new planning unit is unlikely to be supported.

7.5.2 Following the removal of the majority of the rooflights and balcony, the Conservation Officer has no objections to the proposal. The proposal is not considered to result in any harm to the character and appearance of the area or to the significance of the Listed Building. Furthermore, the proposal is not considered to result in any significant adverse impacts to residential amenity.

7.5.3 The proposal is therefore considered to comply with all relevant Local Plan policies and the NPPF and is recommended for approval.

#### 8.0 **APPENDICES**

8.1 Conditions – Appendix 1

| <u>Background Documents</u> | <u>Location</u>                                     | <u>Contact Officer(s)</u>   |
|-----------------------------|---|---|
| 20/00214/FUL                | Rachael Forbes<br>Room No. 011<br>The Grange<br>Ely | Rachael Forbes<br>Planning Officer<br>01353 665555<br>rachael.forbes@eastcambs.gov.uk |
| 20/00215/LBC                |   |   |
| 15/00895/LBC                |   |   |
| 15/00963/FUL                |   |   |
| 16/01041/LBC                |   |   |

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

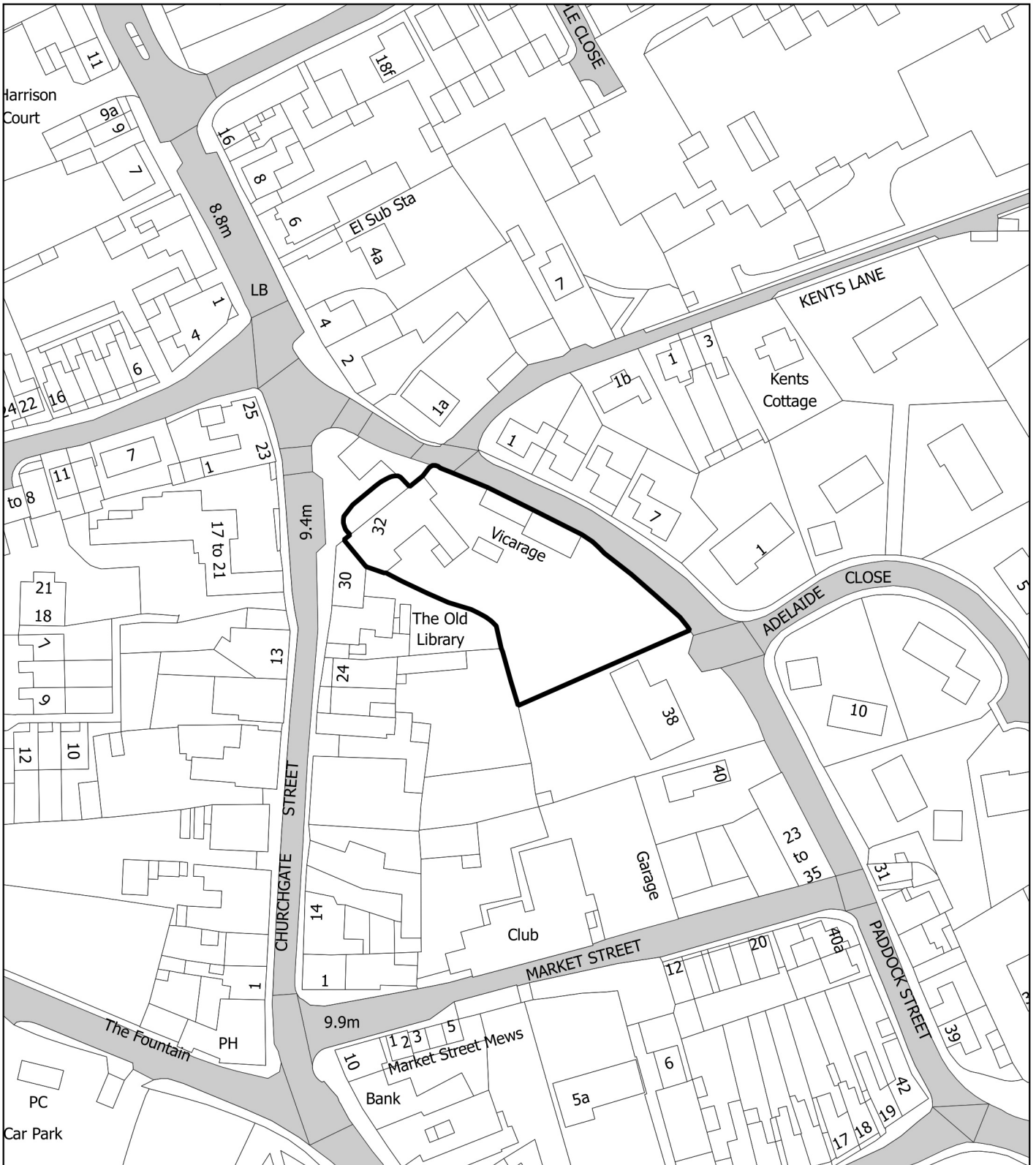
<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 20/00214/FUL Conditions

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

| Plan Reference | Version No | Date Received      |
|----------------|------------|--------------------|
| 19060-01       | A          | 10th May 2020      |
| 19060-02       | A          | 10th May 2020      |
| 19060-03       |            | 10th February 2020 |

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The annexe hereby permitted shall be used for purposes ancillary to the residential use of the main dwelling known as Cross Green House, 32 Churchgate Street, Soham, CB7 5DS and shall not be occupied as an independent unit of accommodation at any time.
- 3 Reason: The application has been assessed as acceptable and complying with policy on this basis.



20/00214/FUL

Cross Green House  
Cross Green  
Soham



East Cambridgeshire  
District Council

Date: 16/06/2020  
Scale: 1:1,250



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**MAIN CASE**

**Reference No:** 20/00215/LBC

**Proposal:** Proposed conversion of outbuilding to provide annexe accommodation

**Site Address:** Cross Green House Cross Green Soham Ely  
Cambridgeshire CB7 5DU

**Applicant:** Mr & Mrs Charlesworth

**Case Officer:** Rachael Forbes, Planning Officer

**Parish:** Soham

**Ward:** Soham South  
Ward Councillor/s: Ian Bovingdon  
Dan Schumann

**Date Received:** 10 February 2020      **Expiry Date:** 6<sup>th</sup> July 2020

[V28]

1.0 **RECOMMENDATION**

1.1 Members are recommended to **APPROVE** the application subject to the recommended conditions below. The conditions can be read in full on the attached Appendix 1.

- 1 Approved Plans
- 2 Full Time Limit
- 3 Detailed design
- 4 Joinery Details

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks Listed Building Consent for the conversion of a Grade II listed stable and coach house (NHLE reference 1126453) to an annexe. The application is being assessed alongside a full application, reference 20/00214/FUL.

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

2.3 The application has been brought before Planning Committee as the applicant is a District Councillor in accordance with the Council's Constitution.

### 3.0 PLANNING HISTORY

3.1

|   |  |          |            |
|---|--|----------|------------|
| 20/00214/FUL<br><i>Pending<br/>Consideration.</i> | Proposed conversion of outbuilding to provide annexe accommodation           |          |            |
| 15/00895/LBC                                      | Demolish and rebuild boundary wall   | Approved | 02.10.2015 |
| 16/01041/LBC                                      | Siting of waste water and extractor outlets in the North East exterior wall. | Approved | 17.10.2016 |

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The building proposed for conversion is a Grade II listed stable and coach house (NHLE reference 1126453) within the curtilage of Cross Green House (NHLE ref 1160782 Grade II), a former vicarage prominently located within the Soham conservation area. The site is also situated within the development envelope of Soham. The surrounding area comprises a mixture of residential and commercial properties.

### 5.0 RESPONSES FROM CONSULTEES

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

#### **Parish Council – 1 June 2020**

No comment or objection.

#### **Ward Councillors - No Comments Received**

#### **Conservation Officer - 21 February 2020**

The application site is NHLE ref 1126453, an individually-listed Grade II C19 stable & coach house within the curtilage of Cross Green House (NHLE ref 1160782 Grade II), a former vicarage prominently located within the Soham conservation area. It is of flint with brick dressings and a slate roof, and although the two halves are of different spans, it is clear from the Paddock St elevation that they are of a single build.

The application is supported by a heritage statement which complies with NPPF requirements. However it misses the point that these types of ancillary building are analogous to farm buildings, which have particular sensitivities around residential



conversion, so it is appropriate to assess the scheme against Historic England's 2017 specialised guidance 'Adapting Traditional Farm Buildings: Best Practice Guidelines for Adaptive Re-use':

'Any adaptation will need to strike a balance between the practical requirements of a new use and protection of the historic character of the existing farm building and its setting. Thoughtful and innovative design can usually resolve these potential conflicts, but users may have to accept some degree of compromise - for example restricted headroom or slightly lower daylight levels than might be ideally desired. Because ventilation was a more important consideration than light, farm buildings often have few external openings. The historic pattern of openings is related to the function of the building over time, and often makes a fundamental contribution to its mass and character.

Maximising the use of these existing openings by planning internal spaces around them and limiting the formation of new ones will help retain character. Where new openings are added or new windows inserted within existing door openings, great care needs to be given to their placing and design.

Where a degree of subdivision is possible it needs to respect the original structural bay divisions, whether these are defined by cross-walls, framed partitions or masonry nibs...When a space is subdivided, borrowed light can be used to avoid the need for new external openings...

One of the most sensitive issues with any farm building adaptation is the insertion of roof lights. Farm buildings rarely had any form of glazing at roof level, though sometimes glazed tiles or slates were used. Numerous new roof lights poorly positioned can have an intrusive impact, particularly where the roof is the dominant characteristic and is steeply pitched.'

The building is of domestic scale and indeed incorporated some groom's living accommodation, which was commonplace in coach houses, so in principle the residential use proposed is not incompatible. However the conversion scheme must work within the building's constraints. With this in mind it is evident that too many rooflights are proposed on the south roof pitch: both bedrooms already have windows and there is the opportunity of glazing the taking-in door in the east gable, so only the one to the bathroom has any real functional justification. As the 2017 Guidelines stress, 'users may have to accept some degree of compromise...[such as] slightly lower daylight levels than might be ideally desired' and as bedrooms are not generally occupied in daylight hours, the rooflights could easily be omitted without penalty.

One of the principal objectives when converting buildings which were not built for human habitation is to avoid over-domestication, and features such as porches and balconies tend to dilute their functionalism. The balcony platform to the east gable is an uncharacteristic feature, and is likely to generate overlooking conflicts on Paddock St in any case, so should be omitted. It might still be desirable to glaze the taking-in door but this could be treated as a fixed screen or French doors with a Juliet balcony within the opening.

Recommendation: amendments recommended

## **Conservation Officer - 12 May 2020 (following amended plans)**

The amendments have addressed all the previous heritage concerns.

Recommendation - no objection subject to the following conditions:

Rooflight details.

Joinery details - Before work begins, drawings to a scale of 1:20 (part elevations) and 1:5 (head, jamb, sill & glazing bar sections) fully detailing all new windows and doors throughout the site shall be approved in writing by the Local Planning Authority and installed completely in accordance with the approval.

**Consultee For Other Wards In Parish - No Comments Received**

**Local Highways Authority - No Comments Received**

**Waste Strategy (ECDC) - 13 March 2020**

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

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

5.2 **Neighbours** – five neighbouring properties were notified and no responses were received. A site notice was posted on 24<sup>th</sup> February 2020 and a press notice was published in the Cambridge Evening News on 19<sup>th</sup> February 2020.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

ENV 12 Listed Buildings

6.2 Supplementary Planning Documents

Design Guide

6.3 National Planning Policy Framework 2019

## 16 Conserving & enhancing the historic environment

### 6.4 Planning Practice Guidance

### 7.0 PLANNING COMMENTS

7.1 The only issue to consider in the determination of this application is the impact on the Grade II listed building.

### 7.2 **Impact on the Heritage Asset:**

7.2.1 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of Listed Buildings.

7.2.2 Policy ENV12 of the East Cambridgeshire Local Plan, 2015 states that proposals that affect the setting of a Listed Building will only be permitted where they would:

- Preserve or enhance those elements that make a positive contribution or better reveal the significance of the heritage asset
- Not materially harm the immediate or wider setting of the Listed Building
- Facilitate the long term preservation of the building.

7.2.3 When assessing the impact of a proposed development on a heritage asset, the more important the asset, the greater weight should be. For example, a Grade I, Grade II\*, or a Grade II listed building should be afforded greater weight than a conservation area. Paragraph 196 of the NPPF states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

7.2.4 The Conservation Officer has been consulted as part of the application and has made the following comments:

*The building is of domestic scale and indeed incorporated some groom's living accommodation, which was commonplace in coach houses, so in principle the residential use proposed is not incompatible. However the conversion scheme must work within the building's constraints. With this in mind it is evident that too many rooflights are proposed on the south roof pitch: both bedrooms already have windows and there is the opportunity of glazing the taking-in door in the east gable, so only the one to the bathroom has any real functional justification. As the 2017 Guidelines stress, 'users may have to accept some degree of compromise...[such as] slightly lower daylight levels than might be ideally desired' and as bedrooms are not generally occupied in daylight hours, the rooflights could easily be omitted without penalty.*

*One of the principal objectives when converting buildings which were not built for human habitation is to avoid over-domestication, and features such as porches and balconies tend to dilute their functionalism. The balcony platform to the east gable is an uncharacteristic feature, and is likely to generate overlooking conflicts on Paddock St in any case, so should be omitted. It might still be desirable to glaze the*

*taking-in door but this could be treated as a fixed screen or French doors with a Juliet balcony within the opening.*

Following the removal of all the rooflights with the exception of the one to serve the bathroom and the removal of the balcony, the Conservation Officer has no objections subject to conditions for the details of the rooflights and joinery details relating to the windows and doors.

7.2.5 It is therefore considered that the proposal would preserve the significance of the Listed Building and complies with Policy ENV 12 of the East Cambridgeshire Local Plan, 2015 and Chapter 16 of the NPPF, 2019.

### 7.3 Planning Balance

The proposal would involve works to a Listed Building which are considered sympathetic to the historic character and fabric of the building. The Conservation Officer has been consulted as part of the application and following initial objections in relation to the rooflights and balcony, these elements have now been removed from the proposal and the objections have now been overcome. The proposal is not considered to result in harm to the listed building and is considered to comply with the relevant Local Plan policy and guidance within Chapter 16 of the NPPF. The application is therefore recommended for approval.

### 8.0 APPENDICES

8.1 Conditions – Appendix 1

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| <u>Background Documents</u>                  | <u>Location</u>                              | <u>Contact Officer(s)</u>                          |
|--|--|--|
| 20/00215/LBC                                 | Rachael Forbes<br>Room No. 011<br>The Grange | Rachael Forbes<br>Planning Officer<br>01353 665555 |
| 20/00214/FUL<br>15/00895/LBC<br>16/01041/LBC | Ely  | rachael.forbes@eastcambs.gov.uk                    |

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

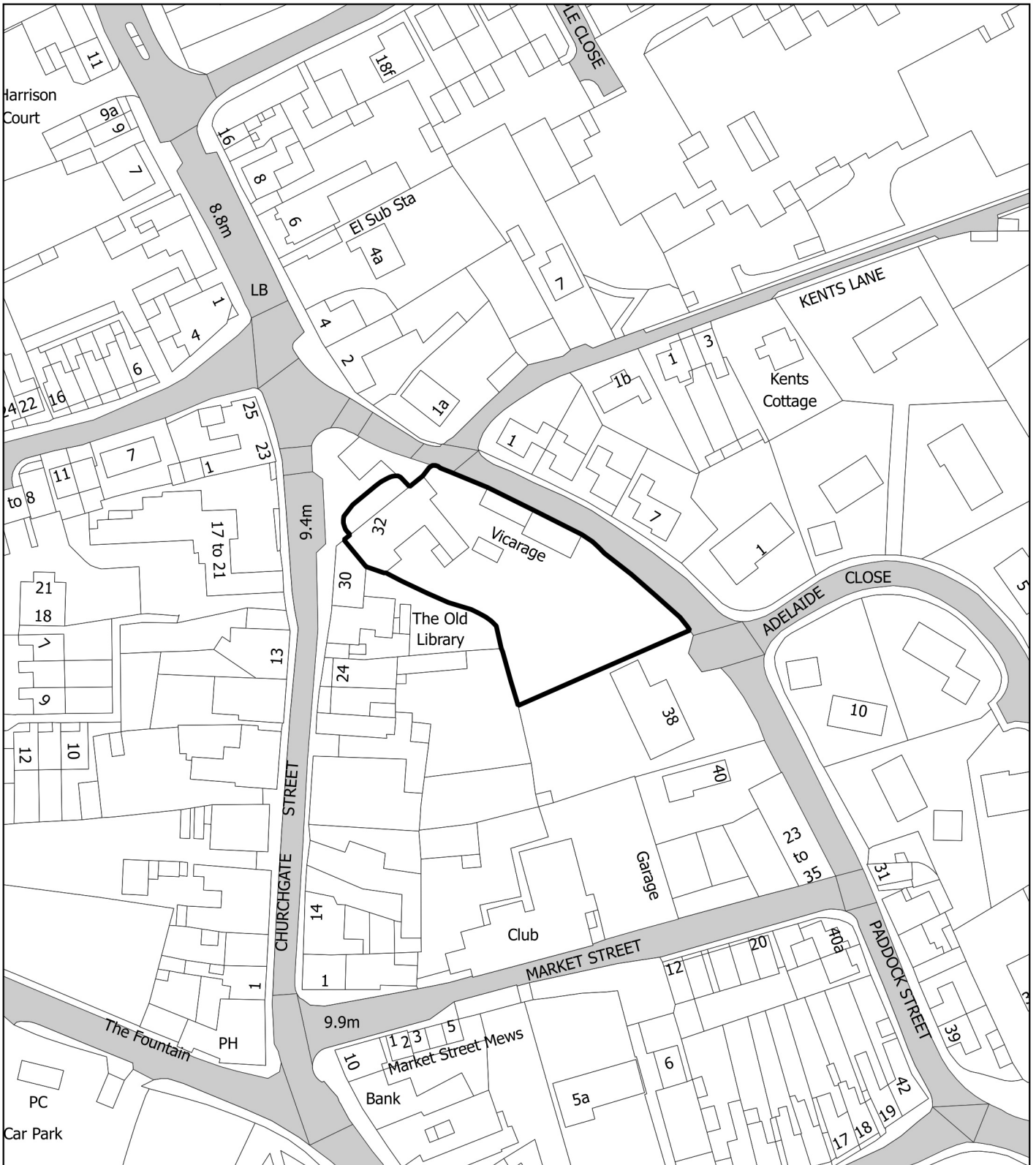
<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

## APPENDIX 1 - 20/00215/LBC Conditions

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

| Plan Reference | Version No | Date Received      |
|----------------|------------|--------------------|
| 19060-01       | A          | 10th May 2020      |
| 19060-02       | A          | 10th May 2020      |
| 19060-03       |            | 10th February 2020 |

- 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 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.
- 3 No above ground construction shall take place on site until details of the rooflight to be used in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.
- 4 Prior to the commencement of the relevant part of the development, drawings to a scale of 1:20 (part elevations) and 1:5 (head, jamb, sill & glazing bar sections) fully detailing all new windows and doors throughout the site shall be submitted to and approved in writing by the Local Planning Authority and installed completely in accordance with the approval.
- 4 Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the listed building and its setting in accordance with policy ENV12 of the East Cambridgeshire Local Plan 2015.



20/00215/LBC

Cross Green House  
Cross Green  
Soham



East Cambridgeshire  
District Council

Date: 16/06/2020  
Scale: 1:1,250



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## **Planning Performance – May 2020**

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

All figures include all types of planning applications.

|                               | <b>Total</b> | <b>Major</b>                        | <b>Minor</b>                       | <b>Householder</b>                 | <b>Other</b>                       | <b>DIS /NMA</b>                    | <b>Trees</b>                         |
|-------------------------------|--------------|-------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|--------------------------------------|
| <b>Validation</b>             | <b>124</b>   | <b>2</b>                            | <b>25</b>                          | <b>27</b>                          | <b>21</b>                          | <b>27</b>                          | <b>22</b>                            |
| <b>Determinations</b>         | <b>82</b>    | <b>5</b>                            | <b>19</b>                          | <b>18</b>                          | <b>7</b>                           | <b>21</b>                          | <b>12</b>                            |
| <b>Determined on time (%)</b> |              | <b>60%</b><br>(90% within 13 weeks) | <b>90%</b><br>(80% within 8 weeks) | <b>94%</b><br>(90% within 8 weeks) | <b>86%</b><br>(90% within 8 weeks) | <b>67%</b><br>(80% within 8 weeks) | <b>100%</b><br>(100% within 8 weeks) |
| <b>Approved</b>               | <b>76</b>    | <b>3</b>                            | <b>16</b>                          | <b>18</b>                          | <b>6</b>                           | <b>21</b>                          | <b>12</b>                            |
| <b>Refused</b>                | <b>6</b>     | <b>2</b>                            | <b>3</b>                           | <b>0</b>                           | <b>1</b>                           | <b>0</b>                           | <b>0</b>                             |

| <b>Open Cases by Team (as at 17/06/2020)</b> |            |           |           |           |           |           |           |
|--|------------|-----------|-----------|-----------|-----------|-----------|-----------|
| <b>Team 1 (2.5 FTE)</b>                      | <b>117</b> | <b>8</b>  | <b>37</b> | <b>6</b>  | <b>15</b> | <b>51</b> | <b>0</b>  |
| <b>Team 2 (4 FTE)</b>                        | <b>131</b> | <b>11</b> | <b>31</b> | <b>25</b> | <b>15</b> | <b>49</b> | <b>0</b>  |
| <b>Team 3 (3 FTE)</b>                        | <b>87</b>  | <b>5</b>  | <b>16</b> | <b>28</b> | <b>18</b> | <b>20</b> | <b>0</b>  |
| <b>No Team (4 FTE)</b>                       | <b>110</b> | <b>8</b>  | <b>34</b> | <b>0</b>  | <b>11</b> | <b>14</b> | <b>43</b> |

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

The Planning department received a total of 134 applications during May which is a 27% decrease on May 2019 (183) and 6% increase from April 2020 (127).

**Valid Appeals received – 3**

Land Rear Of 109 And 111 Station Road Dullingham Newmarket – Delegated Decision

First Copy Corporation Limited The White Swan 187 High Street Bottisham – Delegated Decision

Land To The East Of Witcham Bridge Farm Witcham Bridge Drove Wardy Hill – Delegated Decision

**Appeals decided – 1**

Site East Of 25 Lode Way Hod Hall Lane Haddenham – Dismissed – Delegated Decision

**Enforcement**

New Complaints registered – 29 (1 Proactive)

Cases closed – 11 (3 Proactive)

Open cases/officer (2.5FTE) – 260/2.5 = 104 per FTE (31 Proactive)

**Notices served – 0**