



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

**MEETING: PLANNING COMMITTEE**

**TIME: 1:00pm**

**DATE: Wednesday, 3<sup>rd</sup> June 2020**

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

**ENQUIRIES REGARDING THIS AGENDA: Adrian Scaites-Stokes**

**DIRECT DIAL:(01353) 665555 EMAIL: [Adrian.scaites-stokes@eastcamb.gov.uk](mailto:Adrian.scaites-stokes@eastcamb.gov.uk)**

## **Membership:**

### **Conservative Members**

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

### **Liberal Democrat Members**

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

### **Independent Member**

Cllr Sue Austen  
(Lead Member)

### **Substitutes:**

Cllr David Ambrose Smith  
Cllr Lis Every  
Cllr Julia Huffer

### **Substitutes:**

Cllr Charlotte Cane  
Cllr Simon Harries  
Cllr Christine Whelan

### **Substitute:**

Cllr Paola Trimarco

### **Lead Officer:**

Rebecca Saunt, Planning Manager

**Quorum: 5 Members**

# A G E N D A

1. Apologies and Substitutions **[oral]**
  
2. Declarations of Interest  
To receive declarations of interest from Members for any Items on the Agenda in accordance with the Members Code of Conduct **[oral]**
  
3. Minutes  
To receive and confirm as a correct record the Minutes of the Planning Committee meetings held on:
  - a) 6<sup>th</sup> May; and
  - b) 21<sup>st</sup> May 2020
  
4. Chairman's Announcements **[oral]**
  
5. **19/01773/FUL**  
Additions & alterations comprising two storey side extension & necessary enabling work.  
11 Robins Close, Ely, CB6 3EG  
Applicant: Mr & Mrs Carl Beavis  
  
Public Access Link:  
<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q36EGMGGFTQ00>
  
6. **20/00194/FUL**  
Construction of 2No. three bed detached two storey dwellings with attached single carports, access, parking, on site turning & site works.  
  
Site Rear of 38 High Street, Chippenham  
Applicant: Townsend Paddock Ltd & Russell + Russell Properties Ltd  
  
Public Access Link:  
<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q59SWYGGHAK00>

**7. 20/00258/FUL**

Erection of six dwellings with associated parking (resubmission of 18/01375/FUL).

Pattersons Stores, 11 Mill Street, Isleham

Applicant: Partners In Planning And Architecture Ltd

Public Access Link:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q5WFSNGGHR100>

**8. 20/00286/VAR**

Variation of Condition 1 (Approved Plans) of previously approved 19/01115/OUT for construction of 2no. detached single storey dwellings and associated works.

55 Pound Lane, Isleham, CB7 5SF

Applicant: Mr & Mrs Baxter

Public Access Link:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q67QGDGGHZ100>

**9. Planning Performance Report:**

- (a) January 2020;
- (b) February 2020;
- (c) March 2020; and
- (d) April 2020.

## NOTES:

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

The Council has a scheme to allow public speaking at Planning Committee using the Zoom video conferencing system. If you wish to speak at the Planning Committee, please contact Janis Murfet, Democratic Services Officer for the Planning Committee [adrian.scaites-stokes@eastcambs.gov.uk](mailto:adrian.scaites-stokes@eastcambs.gov.uk) to register your wish to speak by 10am on Tuesday, 2<sup>nd</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-03062020> 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, 6<sup>th</sup> May 2020 at 1:07pm.

### **PRESENT**

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

### **OFFICERS**

Rebecca Saunt – Planning Manager  
Angela Briggs – Planning Team Leader  
Maggie Camp – Legal Services Manager/Monitoring Officer  
Barbara Greengrass – Planning Team Leader  
Andrew Phillips – Planning Team Leader  
Molly Hood – Planning Officer  
Catherine Looper – Senior Planning Officer  
Rachael Forbes – Planning Officer  
Janis Murfet – Democratic Services Officer (Committees)

### **IN ATTENDANCE**

Cllr Christine Whelan (Agenda Item 8)

#### **106. APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Sue Austen and Lavinia Edwards.

It was noted that Councillor Trimarco would substitute for Councillor Austen, and Councillor Huffer for Cllr Edwards for the duration of the meeting.

#### **107. DECLARATIONS OF INTEREST**

Councillor Trimarco declared an interest in Agenda Item No. 8 (19/01704/FUL, Site North East of 115 Lancaster Way Business Park, Ely), as she had already commented on the application and was therefore

predetermined. She said that she would take no part in the discussion or vote on the item.

Councillor Jones declared a personal interest in Agenda Item No. 9 (20/00007/OUM, Land North East of 100 Beck Road, Isleham), as his parents lived in Beck Road,

Councillor Schumann declared an interest in Agenda Item No. 8, being a member of the Cambridgeshire & Peterborough Combined Authority Transport Committee. At a recent meeting of that Committee he had not spoken on the merits of the application, but he had spoken and voted in favour of the funding package. He subsequently sought advice from the District Council's Monitoring Officer as to whether this would preclude him from participating in the determination of today's application. Her response was that as he had voted on the funding at the Combined Authority meeting, and not the merits of that application, she was of the view that he did not have a Disclosable Pecuniary Interest or be predetermined. He could therefore participate in the item.

Councillor Huffer wished it to be noted that as she had registered to speak as a Ward Member on Agenda Item No's 9 (20/00007/OUM, Land North East of 100 Beck Road, Isleham) and 10 (20/00142/OUT, Floral Farm, Fordham Road, Isleham), she would take no part in the discussion or vote on either application.

#### **108. MINUTES**

It was resolved:

That the Minutes of the meeting held on 20<sup>th</sup> April 2020 be confirmed as a correct record and signed by the Chairman.

#### **109. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- As this was a 'virtual' meeting, a recorded vote would be taken for the decision on each application;
- Officers and Members were requested to restrict themselves to asking questions and giving answers at the appropriate time, as the time for debate on each application would follow in due course;
- Jo Braybrooke, Planning Assistant, had joined the Department, and on behalf of the Committee, the Chairman welcomed her to the Authority;
- 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). The report concludes that the Council can demonstrate 6.61 year's worth of supply. Consequently, the tilted balance provisions of the NPPF do not apply and policies relating to the supply of housing must be considered to have full weight;

- It had been noted that, following last month's Planning Committee, Cllr David Brown was incorrectly quoted in the Newmarket Journal of 23 April 2020 as having made some comments regarding the Soham Lodge application, which were made by another Councillor.

The Chairman would be grateful if the press could take more care in future to ensure the accuracy of their articles before print. The text of the meeting could be checked using the You Tube live stream of the meeting on the Council's website, which was still available after the meeting.

The Chairman believed that it would be appropriate for the Newmarket Journal to apologise to Councillor Brown;

- There would be a change to the order of speakers for Agenda Item 8. Councillor Whelan would speak first as a Ward Member, followed by Councillor Bailey as the County Council Member. The agreed order was: Parish, Ward, County, and then Member of Parliament;
- Members were reminded to use the 'blue hand' indicator if they wished to speak. The Chairman also said that while call in was part of the democratic process, it was expensive and used up resources. He asked Members to be careful and considerate when calling in an application to Committee;
- It was intended to take a comfort break at approximately 3.00pm.

**110. 18/01793/FUM – LAND OPPOSITE MEADOW VIEW, SOHAM ROAD, STUNTNEY**

Angela Briggs, Planning Team Leader, presented a report (reference U212, previously circulated) which sought full permission for the demolition of existing buildings and the erection/conversion of buildings to provide 1,943 square metres of Class A1 (retail), Class A3 (café/restaurant), Class D2 (leisure/well-being), Sui Generis (micro brewery) uses (together with ancillary storage, office and administration space in association with these uses) along with access, parking, children's play area, landscaping, service yards and associated infrastructure, on land at Harlock's Farm, Soham Road, Stuntney.

The Planning Team Leader said she would refer to the application site as 'Harlock's Farm throughout her presentation. Members were also asked to note a correction to a typographical error in Condition 28, which should read '*The maximum unit size of the retail floor space shall be **185sq m gross internal ...***'

The site was located 1 kilometre to the south east of Stuntney and 3.5 kilometres south east of Ely city centre, along the Soham Road (A142). It was outside the development boundary of Stuntney, in the open countryside and was occupied by Harlock's Farm and currently in agricultural use; access was currently via the A142.

There were a pair of semi-detached properties opposite the site and Barcham Trees Ltd was located further south along the A142, along with other semi-detached properties, all being within the ownership of the applicant.

The development site was separated by two adjoining fields from The Old Hall, which was also within the Estate's ownership. The Old Hall was not a listed building, but was a grand feature within the wider landscape and had outstanding views towards Ely cathedral.

The nearest bus stop was equivalent to a five minute walk away. The site was linked on the opposite side of the road to the village by a continuous footway along the northbound side of the A142. A new pedestrian island would be included as part of the junction improvements to allow safe crossing along the A142.

It was noted that the application was being considered by the Planning Committee because it would involve over 1,000 square metres of new development.

A number of illustrations were displayed at the meeting, including site location maps, an aerial photograph, the layout of the proposal, elevations, photographs of the buildings to be demolished, and an artist's impression of the proposal..

The main considerations in the determination of this application were:

- Principle of development;
- Design and layout;
- Impact on visual amenity;
- Impact on landscape character of the area;
- Impact on residential amenity;
- Impact on highway safety;
- Flood risk & drainage;
- Impact on archaeology; and
- Impact on ecology.

With regard to the principle of development, the site was outside the settlement framework where policies normally restricted development to certain types of development. This application, as a mixed-use scheme, did



not fall comfortably within one specific policy and therefore Policies EMP3, EMP4, EMP7 and COM1 of the Local Plan were all relevant. The proposal would be unique and the first of its type and scale within the District. It would comply with the employment and tourism policies and the Council's Tourism Officer supported the proposal and advised that the proposal would add to the District's tourism economy. Policy COM1 related to the impact on the vitality and viability on the local centres of Ely, Soham and Littleport. A Retail Impact Assessment was submitted in accordance with the Policy. The Council instructed an Independent Retail Consultant (WYG) to assess the Retail Impact. They concluded that the proposal would not have an adverse impact on the local centres and conditions were recommended to ensure that this was safeguarded. Therefore the principle of development was considered to be acceptable.

In terms of landscape character, the existing Oak tree would be retained as this was considered to be an important and dominant feature in the landscape. The tree was also protected by a Preservation Order. The proposal would include a new pond feature and this would be enhanced by trees and shrubs around it. There would also be enhanced tree planting along the new access and within the car parking area and some enhanced hedge and tree planting along the frontage including across the existing access. A new children's play area would also be landscaped to help to assimilate it within its surroundings and to help mitigate against any impact on residential amenity to Harlock's Farm House. Conditions for soft and hard landscaping details were recommended.

Speaking next of highway safety, the Planning Team leader said the new access would be created further north and would serve both the existing farm and the proposed development. In addition, junction improvements would also be incorporated which would include a pedestrian refuge on the A142, and dropped kerbs either end to allow pedestrians to cross safely. The new access would also allow for better visibility in both directions. Members were reminded that this access was approved under a separate application in 2017 which also included the closure of the existing access and was to serve the farm stead only.

The Ecological Assessment had been assessed by the Cambridgeshire Wildlife Trust and they advised that they were satisfied with the conclusions that the proposal was unlikely to have an impact on protected species and the existing habitats on site were of limited interest. Site clearance should be undertaken outside of the bird nesting season and any lighting scheme designed to minimise light spill. Net biodiversity could be achieved with the provision of bird and bat boxes, the inclusion of native plants within landscaping and the creation of a new semi-natural grassland, which would be secured by condition.

In connection with other matters, the Planning Team Leader said the application site was located in Flood Zone 1, the Wildlife trust had raised no objections, and the proposal would provide 75 car and 40 cycle parking spaces.

She concluded her presentation by saying that the application had demonstrated that the harm to the vitality and viability of the local centres would not be significant and conditions were recommended to ensure that the local centres would be protected from adverse harm. It was therefore considered that the proposed development was acceptable and was recommended for approval.

At the invitation of the Chairman, Mr Alastair Morbey, applicant, addressed the Committee and made the following points:

- They were a 5 generation family-owned farming company growing cereals, sugar beet, celery and root vegetables. The farm was 2,550 acres in size and employed 9 people;
- The family also owned and ran The Old Hall, a wedding business which had been running for about 10 years;
- The farming industry was coming under massive pressure and they had to act now by changing their business model or risk the business itself and its employees;
- They needed to diversify, to create new opportunities to provide a new, different service for the growing local economy and tourism, a destination for all age groups to enjoy and creating more employment opportunities throughout the process;
- The buildings they intended to demolish and convert had become surplus to requirement as farming methods had changed. They had specialist contractors coming in to harvest crops and this had created space that could be reused for another purpose;
- The vision for the scheme was to create a fantastic new shopping and leisure experience in East Cambridgeshire, which it was hoped would attract a range of exciting and creative artisan and independent businesses;
- The buildings were designed to a very high standard, which they felt would complement some of the traditional styles typically found in Ely and Soham;
- The family was investing in the project for the long term, having already put in a huge amount of time, thought and finance over the last few years. They were delighted to have reached this stage with the Case Officer recommending approval of the scheme;
- This would be the first of its kind in the District and similar to Burwash Manor Farm Barns in Barton, South Cambridgeshire;
- It was hoped to provide a café and restaurant which they would run themselves, a day spa and hairdresser which would serve the wedding business at The Old Hall, a range of small independent shops, a

'maker- space' for one or two artisan sole traders who could make their products on site, and a micro-brewery;

- They had been talking to their commercial advisors over the course of the project and were confident that the range of uses was achievable;
- He wished to emphasise that they were not expecting to take occupiers or trade away from the local shopping centres. They were aiming for a different market;
- They were happy to agree to the recommended conditions;
- They would like to hold some seasonal events on the site, such as Easter and Christmas Fayres, outdoor cinema and Hallowe'en. Land had been set aside for this, together with overflow car parking when required;
- They had been accepted into a Government higher tier countryside stewardship scheme of the farm. This would conserve wildlife and biodiversity, maintain and enhance the landscape, provide flooding management and promote public access and understanding of the countryside;
- The environment scheme had been designed to open around 200 acres adjacent to the proposed development, offering a park-like space for people to enjoy;
- It was hoped to commence the building of the project in the New Year and start trading in the summer, but this would depend on how quickly things returned to normal after the outbreak of the Coronavirus;
- He was grateful to Angela Briggs and her team for their assistance and advice and he was pleased with how she had appraised the merits of the scheme in her report;
- There had been no objections at all to the proposal, and the responses to a public exhibition in Stuntney were overwhelmingly positive and supportive.

Mr Morbey concluded by saying that he had with him Richard Seamark (agent), Blathnaid Duffy (retail consultant) and Nick Ralls (architect) to cover any questions.

Councillor Trapp was pleased to hear that Mr Morbey was looking for individual artisans, and he asked about the kind of events to be held. Mr Morbey replied that they would be family orientated events, but nothing overnight.

Councillor Jones noted that the day spa and hairdressers would be supporting the wedding business at The Old Hall and he asked Mr Morbey if there was a direct link to Harlock's Farm. Mr Morbey said they were two separate sites, but had no direct link. There was a path down to the farm on

the opposite side of the road and a crossing would be designed into the scheme.

Councillor Jones continued, expressing concern regarding the retail trade, and how the development would impact on the High Street. Mr Morbey invited Ms Duffy to respond and she said that a very detailed impact assessment had been carried out using different scenarios. A proportion of visitors would be coming in from outside the District, and having looked at existing businesses, the impact would be very limited. However, she was not saying that there would be no impact. Councillor Jones then asked if the wedding business at Lancaster Way would be expected to compete and Ms Duffy replied that existing businesses could not move into the development for 5 years.

The Planning Team Leader reiterated that recommended Conditions 25 – 32 covered everything and restricted the retail use. Councillor Brown was of the opinion that Planning Committees should not take into account anything to do with competitiveness. The Planning Manager added that retail had been looked at very thoroughly and everything was covered.

Referring to Councillor Brown's remark, Councillor Jones said he believed the development could potentially impact on local businesses. He questioned how the scheme would comply with sustainability when people would be travelling to the site by car and reminded the Committee that the Council had recently passed a motion regarding sustainability.

The Planning Team Leader said she understood his concerns. The development would be in the countryside but more use of motor vehicles was to be expected. Using The Hive leisure centre as an example, she said it was outside the development framework and people travelled by car to get there. This site was also looking to give people the chance to walk and cycle where they could but there would be a high number of cars because of the location.

Councillor Trapp wished to know if there were cycle paths and pedestrian access from Ely; the Planning Team Leader replied that there was a dedicated path on the opposite side of the road and people could cycle/walk and cross the road.

The Chairman commented that he was shocked to see a complete list of those in favour of the scheme.

Councillor Schumann observed that permission for the proposed access had originally been approved. He was very familiar with the A142 and could not see how the development could be easily accessed by cycle or on foot. There was no cycle route and very limited access except by car. It was surprising that there had been no comment from Highways, given that there had been a fatality on the road just over 12 months ago. The road was very busy, with unexpected turnings and this scheme was talking about putting more cars on the road; he could see no benefit in having a pedestrian crossing.

Turning next to the Retail Impact Assessment, Councillor Schumann reminded Members that the Council and the Government had pledged to support High Streets, and he believed that this proposal was contrary to that, as it failed the Sequential Test. Soham and Ely relied on events to survive and it was important to support all High Street industries otherwise they would be killed off.

With regard to paragraph 7 of the WYG report, Councillor Schumann did not consider it to be a glowing endorsement and he reiterated that Government Circular 2006 stated that conditions should not be used to make an application more acceptable. As such, he could not support the application.

Councillor Ambrose Smith spoke in support of the scheme, saying that the Council was trying to encourage tourism within the District. She and her husband travelled around the country and visited such facilities. She believed this would be wonderful as a destination and would provide work for artisans. It should also be remembered that a similar permission was given to Barcham Trees about a year ago, and so the Committee should be consistent in its decision making.

Councillor Huffer said she was not surprised that County Highways had not picked up on the issues. While she agreed with Councillor Schumann's comments, she also agreed with Councillor Ambrose Smith in that this could be a destination that could lead onto other places. It could become an attraction, rather like La Hogue, and act as a supplement to the shops in Newmarket.

Councillor Trapp declared his support for the scheme, agreeing with Councillor Huffer. The La Hogue development in Suffolk had become very successful and he thought the proposal would support the local economy. He also believed the traffic island would slow down the traffic.

Councillor Jones said he had no objection to the micro-brewery, but he believed the retail units would take trade away from the local centres. It would be important to maintain High Street development in Ely and without knowing the retail detail of the scheme, he felt it would be too detrimental.

Councillor Stubbs said she had listened with interest and was very impressed with the Case Officer's presentation and the amount of work that had gone into the application. Destination outlets were very good and she thought this would be a good first step, although she was cautious regarding highways. She was minded to support the recommendation for approval.

Councillor Trimarco also declared her support for approval of the scheme. While she agreed with Councillor Schumann's comments regarding cyclists and pedestrians, she thought that overall, the application had been very carefully thought through. If the development came to fruition, cycle paths could be improved.

It was proposed by the Chairman and seconded by the Vice Chairman that the Officer's recommendation for approval be supported.

The result of the recorded vote was as follows:

For (9 votes): Councillors C Ambrose Smith, Brown, Downey, Huffer, Hunt, Stubbs, Trapp, Trimarco and Wilson;

Against (2 votes): Councillors Jones and Schumann.

It was resolved:

That planning application reference 18/01793/FUM be APPROVED subject to the recommended conditions as set out in the Officer's report, and the updated amendment to Condition 28.

**111. 19/00897/FUL – THE THREE PICKERELS, 19 BRIDGE ROAD, MEPAL**

Molly Hood, Planning Officer, presented a report (reference U213, previously circulated) which sought permission for the temporary erection of a single storey marquee between the months of April to October. The application also sought permission for an outside bar and store which were situated within a converted shipping container.

The marquee and outside bar were proposed to be used for functions as part of The Three Pickerels and the shipping container would form a permanent structure on the site. The structure had already been in use throughout 2019 and was present at the time of the Officer site visit.

The application site was a detached building with the permitted use as a hotel, known as The Three Pickerels. It was set back from the highway and accessed from a further road off Bridge Road. Parking for the site was to the front of the building and adjacent to the north-west was the New Bedford River, which formed part of the SSSI and Ramsar site of the Ouse Washes. As a result the site was located within Flood Zone 3. Although the site was outside of the defined development envelope there were a number of residential properties in close proximity.

The application was presented to Planning Committee on 8<sup>th</sup> January 2020 and deferred for four months to allow the applicant time to overcome the five reasons for refusal, in particular those relating to flood risk and the insufficient information regarding the site's location within the Ouse Washes SSSI. Following the deferral, the applicant had submitted a Flood Risk Assessment and a Shadow Habitats Regulation Assessment.

A number of illustrations were displayed at the meeting, including a map, site constraints, the proposal, photographs giving views of the marquee from the public footpath, photographs of the shipping container, and elevations.

The main considerations in the determination of this application were:

- Principle of development;

- Residential amenity;
- Visual impact;
- Heritage assets;
- Residential amenity;
- Highway matters; and
- Flood risk.

In terms of the principle of development, the proposal was located outside the development boundary and it was considered to have failed to meet the criteria as set out in Policy EMP2 of the Local Plan 2015. The site was connected to the main village of Mepal via a footpath.

Speaking next of residential amenity, the Planning Officer said that the site was surrounded by five residential properties and concerns had been raised over the noise disturbance caused by events held in the marquee and on the site. Environmental Health had also received complaints and advised that they were not in support of the application.

It was noted that the marquee ran parallel to Footpath No. 7 and appeared very prominent against the traditional materials of the surrounding buildings. The structure was out of keeping with the existing built form and would result in a dominant feature to the rear of the venue. While the area could be used for events, structures were not permitted.

The Local Highways Authority (LHA) had objected to the application on the grounds that there was insufficient parking provision at the front of the site and the turning area was inadequate. It was felt that this would lead to on-street parking, which would be detrimental to highway safety.

With regard to flood risk, Members noted that a new Flood Risk Assessment had been submitted and it highlighted that the elevated levels of the site were above the estimated water levels in the event of a flood. The Environment Agency had removed their objection and made recommendations which could be conditioned if the application was approved. It was therefore considered that the proposal overcame the previous reason for refusal on flooding and was now compliant with policy.

The Planning Officer reminded the Committee that the site was situated within the SSSI site of the Ouse Washes. Natural England had raised no objection to the proposal, advising that the noise levels over the distances involved, taking into account background noise levels associated with the nearby A142, were unlikely to have any significant impact on Special Protection Area (SPA) birds. The Local Planning Authority had conducted a Screening Opinion and it was now considered that sufficient information had been submitted to demonstrate that the development would not have any adverse effect on the integrity of the Ouse Washes SPA.

The Planning Officer concluded her presentation by saying that there were still outstanding issues which had not been overcome since the application was taken to Committee in January 2020, and the application was therefore recommended for refusal.

At the invitation of the Chairman, Ms Emily Dunnett addressed the Committee in support of the application and made the following points:

- The pub was shut in March following the Government guidance on Coronavirus and it was still unknown when they would be able to reopen for business;
- She was pleased to see that, following submission of the flood risk report and ecology survey, both of these objections had been removed;
- To date they were only aware of one neighbour complaint and following discussions with Environmental Health, they had implemented all the measures advised. Since then they had not received any further complaints;
- The village Facebook page had put together a map showing support for the application and it got 98 households within days. This was only following Cllr Dupré's post regarding the application being brought to Committee and they felt it showed the importance of the pub in the village;
- They were restricted in what they could physically change regarding parking at the pub. However, they could, and had, held events in their garden in the past and this application was just seeking the ability to hold those same events, but in a marquee;
- Bridge Road was very wide either side of the bridge. Events at the pub and other external events (such as the cycling club) already used this road to park on with no issues, especially as it was a no through road with only a handful of houses other than The Three Pickerels;
- They had already used a parking management system for events and found that it worked;
- Everyone they had spoken to had commented on how nice the marquee and container bar looked since the gardens had been revamped, and how nice it was to see the area being put to good use;
- They would be happy to clad the containers, if required;
- Substantial amounts of money had been spent in getting the relevant reports, which now more than ever, was vital money that the business needed to survive. All they were trying to do with the events was give the pub an additional source of income to help secure its future.

Councillor Huffer asked Ms Dunnett what advice she had received from Environmental Health. Ms Dunnett replied that they had bought a noise



monitor and were keeping a log and they had also provided neighbours with a mobile number to call with complaints. They had changed the location of the disco in the marquee and there were signs asking customers to leave the premises quietly.

Councillor Ambrose Smith enquired whether refusal of the application would seriously affect the viability of the business and whether the pub would still stay open. Ms Dunnett said the pub would remain open but a refusal would drastically effect the business. It would be a positive for them to be able to carry on using the marquee for events.

In response to questions from Councillors Trapp and Jones, Ms Dunnett said they had held about 9 events between April and October last year, and the one complaint was noise related.

Councillor Stubbs asked how water would pass through the marquee in the event of flooding. Ms Dunnett explained that the marquee was not block sided and had bungees; the water would therefore pass through holes.

Councillor Stubbs next asked if the application that had already been approved would go ahead, and if it did, what was planned. Ms Dunnett said they wanted to increase the bed and breakfast rooms in the pub and to build a conservatory to be run in conjunction with the marquee. When asked by Councillor Stubbs about having a more substantial structure, Ms Dunnett said the marquee would be taken down each year.

Councillor Trapp wished to know how long Ms Dunnett had had The Three Pickerels and how many times it had flooded. She replied that it was eight years and there had been no flooding during that time.

Councillor Stubbs wondered whether the Environment Agency would have objected to the application if it had been for a permanent structure, but the Case Officer was unable to say.

Councillor Huffer reminded Members that they had been talking about local businesses in the last agenda item. The District should be doing anything it could to help these businesses to thrive and exist, especially with the prospect of social distancing continuing for maybe another 18 months. One complaint was 'tiny' and she declared that she would support approval of the application.

Councillor Downey reflected on the reasons for refusal and made the following observations:

- It would not be in keeping with the traditional built form - it was a marquee;
- Parking – there was already a beer garden at the rear, and the marquee was not obviously having an effect because the same number of people could be turning up whether or not it was there. The Pickerels seemed to be a responsible pub;

- When the application was last discussed, Councillor Schumann had made the point that people moved into the area knowing that pubs had the potential to be noisy. There was a system in place to deal with noise;
- The Environment Agency and Natural England had now both withdrawn their objections. He believed the objections regarding harm to residential amenity were entirely subjective, especially when 98 households were in support of the pub.

Councillor Downey duly proposed that the Officer's recommendation for refusal be rejected and the application be granted approval.

The motion was seconded by Councillor Wilson, who agreed with Councillor Huffer's comment that it was important to support local businesses.

Other Members expressed their support for granting permission. Councillor Ambrose Smith felt that if Members kept saying 'no', businesses would close; this scheme would provide space for activities and people.

Councillor Brown said the cladding of the container should be conditioned and a scheme of tree planting could address any visual intrusion.

Councillor Trapp said that the support from the village should be noted.

Councillor Jones asked if there was a limitation on the number of events that could be held, and the Planning Officer advised that this could be conditioned. The Planning Manager added that conditions could be imposed in consultation with the Chairman and Vice Chairman.

Councillor Schumann said he believed the Case Officer had got the recommendation 'spot on' regarding the policies, but for him this was a heart rather than a head decision, and he would support approval of the scheme.

In response to a question from Councillor Stubbs, the Planning Officer said any noise and disturbance from the marquee would be investigated by Environmental Health. They would look to monitor the situation, possibly asking the complainant to keep a log and then decide how to deal with the complaint. Councillor Stubbs responded, saying that she was not happy going against the recommendation, as businesses had a responsibility to try and make the best of things, but she respected the views that had been put forward.

Councillor Huffer interjected to say that Temporary Event Notices (TENs) limited events to 10 per year and this matter would be better dealt with by the Licensing Department. The Planning Manager advised that a condition could be imposed for all sorts of events, limiting numbers and times. In other similar cases the Local Planning Authority had approved a time limited consent which then had to be re-applied for say, every 5 years. This was also to ensure that visually the marquee was still considered to be acceptable. It would be reviewed every five years and the marquee would be inspected.

There were standard conditions used at venues in the District, and the Planning Department worked very closely with Environmental Health.

Returning to the motion for approval of the application, the result of the recorded vote was as follows:

For (11 votes): Councillors C Ambrose Smith, Brown, Downey, Huffer, Hunt, Jones, Schumann, Stubbs, Trapp, Trimarco and Wilson.

It was resolved unanimously:

That planning application 19/00897/FUL be APPROVED for the following reasons:

- It would not cause significant or demonstrable harm to the residential amenity of the area;
- It would not cause visual damage to the character of Mepal;
- It would not cause an undesirable increase in the number of vehicles parking in the area.

It was further resolved:

That delegated authority be given to the Planning Manager, in consultation with the Chairman and Vice Chairman of the Committee, to impose suitable conditions.

**112. 19/01429/FUM – G's SECOND WILLOW NURSERY, TEN MILE BANK, LITTLEPORT**

Catherine Looper, Senior Planning Officer, presented a report (reference U214, previously circulated) which sought consent for an extension to the existing nursery development at the site. The built form would comprise a greenhouse style building to match the existing buildings on site. The proposed greenhouse area would cover 2,497m<sup>2</sup>.

The site was located approximately 2 kilometres from the main settlement boundary of Littleport, in an area that was predominantly agricultural in nature. The existing built form was set back a significant distance from the public highway of Ten Mile Bank and the land sloped away from the public highway. The site was within Flood Zone 3 and in close proximity to the River great Ouse.

It was noted that the application had been brought before Planning Committee due to the requirements of the Council's Constitution relating to the creation of major employment uses over 1,000<sup>2</sup>.

A number of illustrations were displayed at the meeting, including a map, aerial views, the proposal and various photographs of the site.

The main considerations in the determination of the application were:

- Principle of development;
- Residential amenity;
- Visual amenity; and
- Flood risk.

The proposal sought an extension to an existing business in the countryside for the purposes of horticulture. Policy GROWTH2 of the Local Plan 2015 set out that the majority of development would be focussed in the market towns of Ely, Soham and Littleport and that outside of the defined development envelopes, development would be strictly controlled. The principle of development was therefore considered acceptable providing all other material planning considerations were satisfied.

In terms of residential amenity, the site was located a significant distance from the nearest neighbouring dwellings and therefore the proposed extension was not considered to create any impacts in terms of overshadowing, overbearing, noise or light pollution. The nature of any lighting could be controlled by condition, and due to the agricultural nature of the building, this would not create any overlooking or loss of privacy.

The proposed extension would provide a significant amount of floor space for the nursery, but would have a maximum height of 6.3 metres. It would match the existing nursery and therefore would not seem out of place within the landscape. Due to the transparent nature of the building materials and the distance set back from the public highway, the proposal would not be highly dominant or create any significant impact on the character of the area. The site had benefitted from landscaping in the past and the trees and hedgerows would help to partially reduce the visibility of the scheme.

It was noted that there had been no objection from the LHA. The proposal would not result in any net increase of vehicle movements to and from the site and the junction with the public highway would not be altered by the proposal. The applicant expected the level of emissions to fall as there would be less reliance on external sites. The application was therefore considered to be acceptable and complied with Policies COM7 and COM8 of the Local Plan 2015.

The site was located within Flood Zone 3 and the applicant had therefore submitted a Flood Risk Assessment which made a number of flood risk mitigation recommendations. A Surface Water Strategy had also been submitted with the application and three methods of surface water disposal had been identified. It was proposed that any additional surface water be discharged into the reservoir for the purposes of irrigation. The Lead Local Flood Authority (LLFA) had reviewed the proposals and confirmed that disposal into the existing reservoir was acceptable. The Internal Drainage Board had also reviewed the proposals and had raised no objections.

The Senior Planning Officer concluded her presentation by saying that on balance, the application was considered to comply with planning policy and did not create any significantly harmful impacts in terms of residential or visual amenity, highway safety or flood risk and drainage. The application was therefore recommended for approval.

Councillor Stubbs asked the Senior Planning Officer if she had any details regarding the reduction in emissions, but was advised that she had no specifics. By extending the greenhouse, the existing business would be able to continue to function at its current level and the level of transport emissions would be reduced from outsourcing. Councillor Brown said he believed this was a reference to having plants grown in Yorkshire and then being transported down to Littleport and with this proposal they could then grow them here, reducing the need to travel..

Councillor Schumann reminded Members that this application had come to Committee only because of the square meterage involved. He did not see the need to make heavy work of it and proposed that the Officer's recommendation for approval be supported.

The motion for approval was seconded by Councillor Wilson.

The result of the recorded vote was as follows:

For (11 votes): Councillors C Ambrose Smith, Brown, Downey, Huffer, Hunt, Jones, Schumann, Stubbs, Trapp, Trimarco and Wilson.

It was resolved unanimously:

That planning application reference 19/01429/FUM be APPROVED subject to the recommended conditions as set out in the Officer's report.

*There followed a short comfort break between 3.11pm and 3.20pm.*

*Councillor Trimarco left the meeting.*

**113. 19/01704/FUL – SITE NORTH EAST OF 115 LANCASTER WAY BUSINESS PARK, ELY, CB6 3NX**

Andrew Phillips, Planning Team Leader, presented a report (reference U215 previously circulated) which sought to widen the vehicular driveway entrance into Lancaster Way to allow for approximately doubling the length of the two lanes exiting the Business Park.

This was in order to reduce the length of queuing vehicles seeking to exit Lancaster Way onto the A142. The remainder of the potential works to the Lancaster Way roundabout would be a Cambridgeshire County Council

matter, as they fully related to highway improvements within the public highway, and did not form part of this application.

The site was the private access road into the Lancaster Way/Enterprise Zone that connected onto the A142/Witchford Road/Main Street roundabout.

It was noted that the application had been called in to Planning Committee by Councillor Christine Whelan following the comments of Witchford and Ely Councils, as well as the potential impacts on sustainability.

A number of illustrations were displayed at the meeting, including a magnified image of the proposal, an aerial view, photographs of the street scene looking towards the business site, and the area of carriageway to be widened.

The main consideration in the determination of the application was:

- Highways.

The Committee report covered the detailed history and arguments of sustainability

The Planning Team Leader said there had been no objections from the Local Highways Authority (LHA) regarding the widening of this private driveway.

It was considered that it was unlikely to have any impact on people travelling by sustainable measures. Members were reminded that anything outside of the red line shown on the slide was on the public highway and a matter for the County Council.

The Planning Team leader concluded his presentation by saying that the proposal was considered to be acceptable as it would have no detrimental impact upon the safety of highway users or noticeable impact on people seeking to travel by sustainable means. The proposal would also help promote and accommodate the growth of the Enterprise Zone for the foreseeable future.

With the permission of the Chairman, the Democratic Services Officer read out a prepared statement of objection on behalf of Mr Ian Boylett:

*'I object to the application and support the objections of Witchford Parish Council, City of Ely Council, Ely Cycle Campaign and the many other organisations and personal objectors for the following reasons:*

*The application forms part of proposals, by Cambridge County Council, to make alterations to the roundabout that will increase vehicular speeds.*

*The proposals should be considered in tandem with the CCC proposals that have yet to be consulted on.*

*The proposals make no provision to improve the safety of pedestrians and cyclists when having to traverse the roundabout.*

*The proposals fail to comply with CCC and ECDC policies set to reduce reliance on motorised vehicles, reduce pollution and promote sustainable transport.*

*I have personal experience that the current design is unsafe during attempting to cycle to Ely with my great-granddaughter (age 10 and a competent cyclist). She became frightened and refused to traverse the roundabout due to the speed of traffic at the roundabout. We therefore return home and made our journey by car. The proposal will increase the risks for pedestrians and cyclist traversing the roundabout.'*

With the permission of the Chairman, the Democratic Services Officer read out a second prepared statement of objection on behalf of Mr Rod Hart:

*'I object to the proposal, the remodelling of the Lancaster Way access, on the grounds that this will decrease the safety and security of pedestrians and cyclists accessing the Business Park; it runs counter to the ECDC Declaration of Climate Emergency, and this runs counter to the UK Government's Paris Agreement 2015.'*

At the invitation of the Chairman, Councillor Christine Whelan, a Ward Member for Ely West, addressed the Committee and made the following comments:

- Although this application was only for changes to the entrance to the Business Park, it was part of wider plans for changes at Lancaster Way and the BP roundabout;
- The County Council had promised consultation but this had not yet happened and approving this application would pre-empt that consultation;
- There had been strong objections from various sources, including two Parish Councils and consideration needed to be given to the impact on safety aspects and road changes, especially on pedestrians and cyclists;
- Councillor Anna Bailey, at a recent meeting of the Combined Authority Board, admitted that the changes would make things worse for pedestrians, cyclists and horse riders but this was only in the short term because there would be further improvements to the junction with the A10 along with the dualling of the A10;
- This assumed that the Government would approve the grant, but there was no guarantee this would happen or what the revised route would look like;

- ECDC declared a climate emergency in 2019 and committed to a strategy to reduce emissions;
- This application does the complete opposite because it encourages more vehicle use, including HGV's and discourages other forms of transport.

Councillor Whelan then responded to comments and questions from the Committee.

Councillor Jones asked if at any point she had had discussions about what could be done to improve the scheme before it came to Planning Committee. Councillor Whelan replied that she had not. The objections were raised by Witchford Parish Council and the City of Ely Council due to safety concerns, and there had been suggestions of bridges, but this would have had to be discussed along with costings.

Councillor Brown said he hoped Councillor Whelan appreciated that the Committee could only look at what was before them today. She replied that she was aware of this, but they had to look at the whole picture; this application would pre-empt the County Council's application and decision.

In response to a question from Councillor Schumann she confirmed that she supported refusal of the application.

The Chairman reiterated that the Committee could only assess what was before them today because anything else was not within their jurisdiction. He asked Councillor Whelan to explain her concerns and she replied that it was the safety of cyclists coming from Witchford; the extra 8" could make a difference to the speed of vehicles and would discourage people, on safety grounds, from using that part of the road. Her aim was to try and encourage more cycling and walking.

The Chairman noted that Highways had said the proposal would not have a negative impact on the existing crossing facilities and when he asked Councillor Whelan if she disagreed with this, she said that she did because she had seen the impact of such changes on other roads elsewhere and other road users had stated they were not happy with the speeds of vehicles and the safety of this road.

At the invitation of the Chairman, Councillor Anna Bailey, the County Member for Ely South, addressed the Committee and made the following points:

- This was part of a wider important scheme and the improvements were critical because of the considerable growth that was taking place in North Ely;
- The upgrades to the Lancaster Way and BP roundabouts would help to improve traffic flow and this project had been ongoing for years;



- Grovemere had a S106 Obligation to improve the BP roundabout before the expansion of the Enterprise Zone could be allowed. It had already brought forward the transport obligation with a bus service from Ely Railway Station to the Business Park;
- The wider scheme was being co-funded by the District Council and the Combined Authority;
- The cost benefit ratio was over 80, and anyone who understood such things would appreciate how important this was;
- She could not stress enough the importance of the scheme to the District because the BP roundabout was one of the busiest in the District and it was imperative to the success of the Enterprise Zone. It would deliver 2,500 jobs;
- The route was on a purple traffic flow, so was beyond capacity at peak times and the two roundabouts scheme, although a minor interim measure, would help mitigate the volume of traffic arising from the increase in jobs growth;
- She was very cognisant of the risk to pedestrians, cyclists and horse riders and passing this application would in no way diminish that;
- The funding allocated by central Government for the improvements and the dualling of the A10 would be a game changer;
- This was about balance and it had to be proportionate. Without the improvements, the Enterprise Zone would have to close down to new businesses;
- Improvements would come, but not from this little scheme;
- A paper was taken to the Combined Authority Board last week and they supported it unanimously. In doing so they were supporting the people of East Cambridgeshire;
- Some of the comments made and concerns raised related to wider issues. She concurred with paragraph 7.23 of the Officer's report which stated that it would be unreasonable to refuse this critical scheme on highway safety concerns;
- She gave her absolute commitment that she would continue to fight tooth and nail for other road users.

Councillor Bailey then replied to comments and questions from the Committee.

Councillor Wilson asked when the details of the two roundabouts would be available as the routes into Witchford were not shown. He suggested that if

determination of this application was to be deferred for a month or two, it might give a better view of the whole scheme.

Councillor Bailey replied that the rest of the scheme was still subject to public consultation and it was incorrect that this application would predetermine the County Council's one. The information would be released at the appropriate time. The issue was regarding road safety and the camber of the road. This was just a modest scheme and would not deliver a crossing. There was a commitment to improve the junctions and sort out the roundabouts, but she reiterated that it would be subject to public consultation. She had worked on this scheme for over three years and there was a need to move on and not cause any more delays. The aim was to try and improve the flow of traffic between the A10 and the A142.

Councillor Trapp said that Members had been asked to look at the application on its own merits but the whole of the debate had been all about what other improvements were going to happen. He believed the proposal would be to the detriment of pedestrians and sustainable traffic; it was not sustainable. Councillor Bailey responded, saying it was a matter of judgement and balancing local jobs at a local level against cyclists and pedestrians. She was not prepared to shut down the Enterprise Zone and the high quality jobs it would bring for this widening of both sides of the road.

At the invitation of the Chairman, the Planning Team Leader clarified a number of points. Referring to the bottom photograph of the street scene, the view was as one entered the roundabout and already had two lanes going back into the site. The proposal was to widen the road on the other side of the entrance to allow it to go further back. The application was determined by the red line and what was within it.

The Chairman told the Planning Team Leader that there was some confusion regarding the metre widening threatening pedestrians, and he asked for his comments on this point. The Planning Team Leader replied that the widening would be 8' where pedestrians crossed from Witchford to Ely.

Councillor Wilson wished to know if the Planning Team Leader was aware of, and had been consulted on the effects of the proposal on the entrances. The latter replied that he had been working with the Enterprise Zone and this application had come forward on its own merits. The S106 Obligation was tied to the Enterprise Zone and provided money for highway improvements and bus service contributions. The Planning Manager interjected to say that the S106 had been agreed a long time ago, and Members could not discuss or amend it; they were just considering the application before them today.

Councillor Stubbs said she had found the whole debate very interesting and had listened to the concerns put forward. She thanked the Planning Team Leader for his presentation, saying that she found it to be very clear and focussed on what the Committee should be focussing on. She did not believe there would be any additional danger to pedestrians and duly proposed that the Officer's recommendation for approval be supported.

Councillor Ambrose Smith felt that cyclists and pedestrians should be considered, but the harm would be mitigated by traffic moving faster, which would result in less emissions.

Councillor Jones said he knew this roundabout and it could be very difficult getting out. While there was a long term plan, he did not think the widening of the road would make much difference to leaving the site; it would be problematic and would take a large investment to sort it out.

Councillor Wilson did not see that the proposal would make much difference to cyclists coming from Witchford. The whole scheme would be problematic and he would prefer it to be deferred until Members had the whole detail. He thought it inevitable that the application would be approved and said he would probably abstain from the vote.

Councillor Trapp commented that despite the prospect of there being 2,500 extra jobs, the application was sending out a big message that they were not looking at pedestrians and cyclists so much as looking at cars.

In seconding the motion for approval, Councillor Schumann said the scheme would bring much needed improvements. It supported growth and this was absolutely necessary; he urged Members to look at the benefits.

Councillor Brown urged the Committee to look at what it was doing because if the application was not determined today, it could go to Appeal and the Authority could incur unnecessary costs.

The Committee returned to the motion for approval, and the result of the recorded votes was as follows:

For (7 votes): Councillors C Ambrose Smith, Brown, Huffer, Hunt, Jones, Schumann, and Stubbs;

Abstentions (3 votes): Councillors Downey, Trapp and Wilson.

It was resolved:

That planning application reference 19/01704/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

*At this point, Councillor Trimarco re-joined the meeting.*

**114. 20/00007/OUM – LAND NORTH EAST OF 100 BECK ROAD, ISLEHAM**

Andrew Phillips, Planning Team Leader, presented a report (reference U216, previously circulated) which sought outline consent for up to 70 dwellings, with details of access to be agreed. Details of appearance, landscape, layout and scale were reserved. Based on the illustrative Masterplan, the net density of the development was 21 dwellings per hectare and 11 dwellings per acre.

It was noted that the proposal was originally submitted for up to 80 dwellings and was reduced following discussions with the Case Officer in order to overcome concerns regarding visual impact.

The site was located outside of the village framework, though it was adjacent to it along the northern boundary of the site. To the north were the cul de sacs of Festival Road and Kennedy Road, with bungalows defining the character of these roads. To the south of the site was the recently constructed 'The Ark' church.

The site itself was part of an open agricultural field between Beck Road and Sheldricks Road. Whilst there were some boundary hedgerows around the field, the more significant planting was to the west on a substantially smaller adjacent field.

It was noted that due to the size of the application, it had been brought to Committee in keeping with the Council's Constitution.

A number of illustrations were displayed at the meeting, including a map, aerial view of the site, photographs of the street scene taken from different viewpoints, the proposed access, and an indicative site layout.

The main considerations in the determination of the application were:

- Principle of development;
- Highways;
- Visual impact; and
- Education and other services.

The Planning Team Leader reminded Members that as of 21<sup>st</sup> April 2020, the Local Planning Authority (LPA) was able to demonstrate that it had an adequate five year supply of land for housing, with the Council currently having a supply of 6.61 years. The site was outside of the village framework, not allocated for development and the proposal was not supported in principle by Policy GROWTH2. On this basis, the application should therefore be refused.

It was noted that both the LHA and the Transport Team had raised no objections to the development, subject to conditions. However, as determined at the April 2020 meeting of the Planning Committee, the cumulative level of growth in Isleham was considered too high, it would lead to an unsustainable amount of residential development which would outstrip the modest increase in employment and services provision for the village, and unsustainable means of transport.

Turning next to residential and visual amenity, the Planning Team Leader stated that with a proposed low density, there was no reason why a suitable layout could not preserve the residential amenity of existing and

future residents, subject to conditions. The number of dwellings had been reduced in order to keep a soft edge to the development, as well as views across open landscape.

With regard to education and other services, the Committee was reminded that Isleham's primary school, including early years, was unable to expand and the County Council was seeking a new site within Isleham to provide a new school.

It was considered that this proposal would lead to a neutral impact on education services long term, subject to contributions being sought through a S106 Agreement, which the developer had agreed to pay.

It was the view of Members at the April 2020 Planning Committee meeting that the school site should come first, and in addition, the other services and infrastructure in the village could not cope with this level of growth. On this basis, the application should be refused.

The Planning Team Leader concluded his presentation by saying that there were no other reasons for refusal as all other material considerations could be mitigated by either conditions and/or a S106 Agreement. However, the application was recommended for refusal for the reasons given in paragraphs 1.1 and 1.2 of his report.

At the invitation of the Chairman, Ms Hannah Albans, agent, addressed the Committee and made the following remarks:

- The scheme was an outline application for residential development with all matters reserved except access for up to 70 dwellings. Numbers were reduced for 80 to 70 dwellings at the request of the Case Officer;
- The site was well integrated with the existing village. It was linked by an existing footway along Beck Road and was relatively close to the centre of the village;
- Through a pre-application they were advised that the principle of development was acceptable as, at the time, the Council could not demonstrate a 5-year land supply and, specifically, the Council would support a scheme of 70-75 units subject to retaining views to the Ark. They were also advised to submit an application as soon as possible to allow determination before the release of the updated five-year land supply report;
- They also entered into a pre-app with the County Council as education authority who advised that they had originally identified a new primary school site in Soham, but they had now started planning for a new school in Isleham itself. On this basis they requested our development should make financial contributions towards education – which we agreed to;

- The application was compliant with the Council's policies on density and affordable housing. Whilst indicative, the Masterplan gave thought to the mix of dwellings and their location and there were large areas of public open space located to retain views to The Ark as well as the wider landscape. A large landscape buffer was proposed along the eastern boundary;
- There had been no technical objections to the application and they made sure all matters were resolved in time for it to be determined in April. They had been advised that there would be a favourable recommendation, yet it was recommended for refusal on the basis that the Council could now demonstrate a 5 year land supply. Because the site was outside the development envelope, it was contrary to Policy GROWTH2;
- That the Council may or may not have a 5 year supply only goes to whether the 'tilted balance' should be engaged. It does not immediately place full weight on a policy that is now over 5 years old;
- The proposal accorded with policies that identify Isleham (and other similar settlements) to take limited levels of development. This proposal was of a scale that had previously been found acceptable both in Isleham and similar villages;
- The only identified breach of Policy GROWTH2 was that the site fell outside of the settlement boundary. The housing target in the 2015 Local Plan was less than both the SHMA and the standard method, which the NPPF stressed indicated minimum annual local housing need;
- COVID-19 would have a significant impact on the deliverable supply and Members were urged to consider this when considering this application;
- The second reason for refusal related to the potential cumulative impact on local services and the reliance on the use of cars;
- Services in Isleham were comparatively good with a post office; various shops, pubs, a mobile library, and a primary school. The CIL charged on the site would go to help support the mobile library service and education facilities;
- There was concern that this site would add another 70 dwellings to a village which risked being swamped by development. Only 45 dwellings were allocated in the 2015 plan, but none had been built as of 1 April 2019. The Council's own monitoring showed only 27 completions between 2013 and 2019. Except for the scheme by Bloor Homes, only 43 net additional dwellings appeared in the Council's latest Land Supply position not covered by 2015 allocations. All these were non-major developments, many being windfall sites of less than 5 dwellings;

- In terms of travel, use of private cars was not exclusive to Isleham. The issue was raising awareness of sustainable initiatives and encouraging residents to use them. They will do this with a Travel Welcome Pack containing helpful information and advice;
- Where travel was necessary, this site was well located. It was on the edge of the existing built form and had good pedestrian and cycle links into the village;
- Given the constructive encouragement they had received since the pre-app, that they had amended the submitted scheme as and when requested, and that it met the Council's policy requirements with no technical objections; they hoped that the Council would look at this application favourably and grant planning permission.

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

- The report clearly set out why the Parish Council objected to this speculative proposal for development;
- This proposal was not locally led. These were homes in the wrong place, which if approved, would have an unacceptable impact on the community;
- The Officer's report set out clearly the issues that the village faced with the developments already approved;
- He did not intend repeating in detail the issues facing Isleham that he gave at the last Planning Committee meeting. However, having listened to the previous speaker, he reminded Members that services in Isleham were running at or above capacity with woeful public transport. This had been exacerbated further with 10 additional homes being granted outline approval on 20<sup>th</sup> April 2020;
- The site was outside the development area and at a key entrance to the village. A major part of the landscape and character would be lost to gain a suburban entrance to one the District's most historic villages. Isleham had developed in an uncoordinated way over the centuries, the large scale development here would destroy its identity. They did not have the varied far reaching views available here elsewhere in the village which would be lost forever and it would be severely detrimental to views of the Ark church. They accepted that these views may not be outstanding but they constituted a major part of the character of the village;
- The Parish Council therefore strongly supported the Officer recommendation for refusal of the application.

Councillor Trimarco, having noted the Parish Council's comment within the report that houses were not selling in Isleham, asked Councillor Radcliffe

if he could expand on this. Councillor Radcliffe replied that there had been a number of new developments in the village and it seemed to take an extraordinary length of time for them to be fully occupied; there were some that were not currently occupied.

At the invitation of the Chairman, Councillor Julia Huffer, a Ward Member for Fordham and Isleham, addressed the Committee and made the following remarks:

- Here was another application for the beleaguered village of Isleham;
- The infrastructure simply could not take any more development;
- The lack of comment from Highways and Education did not surprise her and she sometimes wondered if they were living in the real world;
- The development could be made safe for residents but the additional traffic would cause immeasurable harm, not only to Isleham, but also to Fordham and Chippenham;
- This was not a suburb of a large town. It was a small village on the fringe of the Fens and needed to be treated accordingly. What was acceptable on the edge of a large town was completely and utterly unacceptable in the countryside;
- To assume that anyone wanting to have access to primary education would also have access to a car was ludicrous. If the only primary education available was in Soham, the use of a car would be vital. Most couples only had access to one car and that would be used for going to work, so the parent responsible for getting the child to school would have to rely on public transport, which in Isleham was non-existent;
- She completely agreed with the Officer and asked the Committee to refuse the application. She would not vote.

The Chairman asked the Planning Team Leader if green open space was included in the balance, and was advised that as it was net density, it was not; the gross density would have included public open space.

The Chairman next asked if another reason for refusal could be on the grounds of damage to the character of the area. The Planning Team Leader replied that there had been a reduction in the number of dwellings to overcome this issue. However, it was for Members to consider this issue in determining the application

Councillor Jones enquired whether there had been any highway improvements going into the village from the development and the Planning Team Leader said that there was already a footpath which connected to the village. The agent had already mentioned travel plans to encourage sustainable transport and the development was outside of speed restrictions, within a national speed limit.



Councillor Stubbs wondered if the application would have been determined under delegated powers if it had been for 45 houses and had not been called in to Committee. The Planning Team Leader answered that if it had been before the April Committee and the 5 year housing supply position announced, it would have been approved. Members were required to judge an application on its merits at the point of determination.

Councillor Trapp asked if the road would be unadopted. He was reminded that at this stage, only the detail of the access was to be agreed and all other details would be considered at a later stage. The Authority would seek to have the road built to an adoptable standard and to comply with RECAP requirements.

Councillor Brown said he stood by the comments he had made at Committee two weeks ago about what was going on in Isleham. Nothing had changed, and he was happy to propose that the Officer's recommendation for refusal be supported.

In seconding the motion for refusal, Councillor Trapp recalled that at the last meeting there had been much comment made about Isleham's infrastructure not coping; he believed that Isleham had outgrown itself.

Councillor Schumann agreed, adding that at the start of this meeting, the Chairman had announced that the Authority could now demonstrate a 5 year supply of housing land. This application was outside the development boundary and should therefore be refused.

The result of the recorded vote was as follows:

For (9 votes): Councillors C Ambrose Smith, Brown, Downey, Hunt, Schumann, Stubbs, Trapp, Trimarco and Wilson;

Abstentions (1 vote): Councillor Jones.

It was resolved:

That planning application reference 20/00007/OUM be REFUSED for the reasons given in the Officer's report.

**115. 20/00142/OUT – FLORAL FARM, FORDHAM ROAD, ISLEHAM**

Rachael Forbes, Planning Officer, presented a report (U217, previously circulated) which sought the erection of a detached dwelling and garage for the purpose of accommodating a Horticultural Manager. The application was for outline consent with only access and scale being considered.

Members were asked to note two updates:

- The Planning Officer read out the following comments from the Parish Council:

*‘As the Parish Council are in support of local businesses we have no objection to this application. The proposed development is outside our village boundary however so we would like the condition attached that the ownership and occupation of this property is directly linked to the farm i.e that it cannot ever be resold to the general public.’*

- A letter of support had been received this week from the Lea Valley Growers Association, and it had been circulated to Members.

The site was located to the south of Isleham and comprised a horticultural unit. Towards the front of the site there was a detached dwelling and mobile home. The proposed dwelling would be located on a parcel of land forward and south of the existing dwelling but it would use the existing access.

It was noted that the application had been called in to Planning Committee by Councillor Julia Huffer as she felt that there was a local support for the application and it would benefit from wider scrutiny.

A number of illustrations were displayed at the meeting, including a location map, aerial views, a layout of the application site and photographs of the locale.

The main considerations in the determination of the application were:

- Principle of development;
- Visual amenity; and
- Residential amenity.

With regard to the principle of development, the site was located in the countryside and outside of the development envelope of Isleham, where development was strictly controlled. It was therefore in conflict with Policy HOU5 of the Local Plan which set out a number of criteria relevant to proposals for rural workers. The critical test was that the dwelling had to be essential, not just desirable, for an additional full time worker to live on site at most times of the day and night.

The Planning Officer then highlighted the case for both for, and against an ‘essential’ need:

For:

- The horticultural business ran two glasshouses which were heated January – May each year;
- The applicant relied on a telephone alarm system to be alerted of any failures in the system;

- The applicant had to return to the site every 3 – 4 hours to refuel the biomass boiler;
- Deliveries took place in the early morning or late evening; and
- Security.

Against:

- There was an existing dwelling on the site;
- It was not essential for an additional person to actually live on site;
- There was already a system in place to alert of any system failures;
- Security issue were not sufficient justification for an additional dwelling; and
- Any essential needs could be adequately met by an occupier of the existing dwelling.

In connection with visual impact, Members were reminded that appearance, landscaping and layout were not being considered at this stage. The Planning Officer reiterated the scale of the proposal and said that the introduction of a dwelling would result in an urbanisation of the undeveloped and low level surroundings, exacerbated by being set forward of the existing building.

The impact to residential amenity could not be fully assessed at this stage, but it was considered that given the size of the site, a dwelling could be achieved in this location without resulting in a significant detrimental impact.

The Local Highways Authority had raised no objection to the proposal as the development benefitted from an existing access to the highway that was suitable for shared use.

In concluding her presentation, the Planning Officer said the provision of an additional dwelling had not been adequately justified in accordance with Policy HOU5 of the Local Plan 2015. The site already benefitted from a dwelling which could accommodate those workers that were required to remain on site as an essential need. The proposal would result in unacceptable visual impacts on the character of the countryside, contrary to Policies ENV1 and ENV2, and the application was therefore recommended for refusal.

At the invitation of the Chairman, Mr Andrew Fleet, agent, addressed the Committee and made the following comments:

- Mr and Mrs Caffarelli Senior, having previously run a horticultural business in the Lea Valley, purchased Floral Farm in 1979;

- Mrs Caffarelli Senior, now in her 70's, still lived in the existing bungalow on site and when able, still helped with daily operations. Her son Marco, the applicant, now ran the business;
- The glasshouses were now almost entirely run by biomass boilers. Although they were energy efficient, they required continual attendance over a 24 hour period, meaning that the applicant had to come to the site from his house in central Isleham during the evening and at all times during the night;
- Further sustainable energy systems were proposed but could not be installed due to the lack of an on-site presence. A further dwelling on site was therefore essential to allow the business to continue to grow whilst using the most technological advanced operating systems;
- Peter Chillingworth, a well-respected Chartered Surveyor, had prepared a report in support of the application and concluded that there was an essential need for two full time workers to permanently live on the holding to manage controlled environment systems, deal with emergencies, out of hours collections and security;
- It was very disappointing that the District Council had not employed a specialist to provide advice when assessing this application;
- Although generally ignoring all of the specialist advice provided, it was pleasing to note that the Officer agreed that an on-site presence was required. However, it was their opinion that this was provided by whoever occupied the existing dwelling;
- The Officer then questioned whether the existing dwelling was available. This had often been raised by local authorities and had been the subject of case law and appeal decision for many years. The case of Keen v SOS & Aylesbury Vale District Council was dismissed by the Inspector on the basis that the farmer (who wanted to retire) already resided in the farm dwelling and the need could be met by the existing farm house. However, the High Court ruled that the Inspector had acted irrationally because he had failed to apply the test of availability and suitability of that dwelling. The case concluded that the accommodation needs of a holding should not mean that the retiring farmer should be forced to move out of his home;
- The precedent was further reinforced in an appeal decision (APP/V2723/A/04/1169731) when the Inspector concluded that it would be unreasonable for the retired farmer to vacate or share the house that had been his home for many years, in order to retire;
- The 2008 High Court case of Cussons & sons v SOS reaffirmed the approach taken in Keen, and additional appeal decisions had followed the approach and it remained good law;

- In September 2019 an appeal decision was issued where the Inspector concluded that on this basis, there was no indication of whether or when the farmhouse was likely to become available. In the absence of any firm evidence to demonstrate that the farm house could accommodate the appellant and his wife as well as his mother or that she would be willing to downsize/share her home, it would be unreasonable to require the appellant's mother to leave and the Inspector was therefore not persuaded that the existing farm house was available;
- Mrs Caffarelli Senior was now in her 70's and still worked on the farm, but she was no longer in a position to get up in the middle of the night to tend to the needs of the farm;
- In applying the test of availability and suitability here, the house was not available. It was her home, she still worked on the farm when able, and she wanted to continue to live here. It had great sentimental value to her and was the place she wanted to live when she did fully retire;
- Was it correct to ask the applicant, his wife and grown up family of four children, all still living at home, to share a dwelling with his mother?

At this point the Chairman advised Mr Fleet that he had exhausted his allocated 5 minutes of speaking time and asked him to make his closing comments.

Mr Fleet concluded by saying that it could not be morally correct to ask someone to vacate their home of 40 years. He quoted the Authority's current Agricultural Occupancy Condition and said this was surely written to allow workers to remain when they retired. The proposed site was well screened and was only visible when one was located immediately in front of it; further planting would be proposed. The site was not isolated from the existing farm and related well to existing built form.

In response to questions from Councillors Brown and Wilson, Mr Fleet confirmed that his client would be willing to accept an agricultural occupancy condition but he was unsure whether the existing dwelling had one.

Councillor Wilson then asked if Mrs Caffarelli Senior would have to move out and Mr Fleet replied that she could stay if she was working in agriculture; the workers who came in the summer months and stayed in the caravans on site were unable to operate the systems; it was only the applicant who could run the system.

Councillor Downey asked Mr Fleet to give his opinion as to where Officers had gone wrong regarding 'essential need', and Mr Fleet said it was disappointing that the Authority had not consulted an expert.

The Chairman enquired about the measurements of the proposal and Mr Fleet said that they were maximum dimensions shown on the slide and could be reduced; his client did not need a 300 square metre bungalow.

Councillor Trapp sought clarification regarding the feeding of the boiler every 3 – 4 hours. Mr Fleet explained that it was a biomass boiler and the applicant came from Isleham to do it because it was quite strenuous and there was nobody else to do it.

Councillor Jones thought there could be longer feeding capabilities and he asked if there was any reason why feeding and storage could not be improved. Mr Fleet said his client was looking at improvements, but the system currently required feeding every 3 – 4 hours.

Councillor Stubbs thought that in this day and age biomass boilers were automated and she was surprised that this one was manual. Mr Fleet replied that with the investment that had already gone into the farm, further investment could not be sustained without an additional worker on site.

Councillor Stubbs continued, noting that a recent application had been withdrawn and asked the reason why. Mr Fleet advised that Officers were going to refuse that application, so it was withdrawn and then resubmitted.

Councillor Wilson made the point that if the farm could not afford to have an auto-feed boiler, how could the applicant afford the proposed bungalow? He thought it would be more efficient to upgrade the boiler rather than build a large bungalow. Mr Fleet replied that he did not know the cost of an auto-feed biomass boiler and at this stage Members were only discussing the scale of the proposed dwelling.

Councillor Wilson then went on to say that people would normally live on site to tend to animals and if a piece of equipment broke down then it just stayed out of operation until someone came to repair it. Surely the heat reducing in the glasshouses for an hour or so would not make much difference? Mr Fleet corrected him, saying that the crop would be lost.

Councillor Schumann said he was not a farmer and was not involved in agriculture to the same extent as Mr Caffarelli, but he imagined that this could be compared to keeping animals in that the destruction of the crop would be no different for a farmer. He asked Mr Fleet if anything more could have been done to prove Mr Caffarelli's need in horticultural terms. Mr Fleet replied that it was dependent on Mr Chillingworth's experience of over 20 years as a specialist consultant and he was of the opinion that the need had been proven.

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

- The Parish Council had no objection to the proposal as it wished to support the development of village businesses to improve the sustainability of Isleham;
- The development would have a visual impact to the area, but whilst outside the built up area of the village, the site was not open countryside. It was within the boundary of the existing property which

included a series of farm outbuildings and glasshouses and was adjacent to a lorry park;

- Isleham had had numerous new developments approved recently which had been located within the grounds of existing dwellings similar to this proposal. These developments had had significant impact on neighbouring residents, the street scene, the character of our village and even to our conservation area, and had been approved;
- A recent example of this was the planning approval for 2 bungalows at 55 Pound Lane, now subject to a further application to extend into the loft. This was a site in the garden of the existing dwelling, at the edge of our village which allowed far reaching open country views from our green footpaths, soon to be lost forever, at one of the entrances to the village. A very prominent site surrounded on three sides by open countryside.
- This example, in the Parish Council's opinion, was clearly an incursion of development into open countryside, which will significantly change its rural and undeveloped character and appearance unlike the application before you;
- A further example was from your last meeting relating to the application for a dwelling at Herringswell Road Kennett in open countryside, 883 metres from the settlement and on a 60mph road with no footpaths or streetlights. Approval was granted for this dwelling on a site which was clearly open countryside and did not relate to any agricultural business as did the application relating to Floral Farm;
- Whilst each case must be treated individually, Floral Farm was located some 900 metres from the village settlement, a similar distance to the one approved in Kennett. Whilst predominantly rural and agricultural it was difficult to call this area open countryside. The Countryside character of this area at Floral Farm had already been eroded by development around it.
- The Council fully supported the District Council in seeking to ensure that development was appropriate to the needs of our community. We have in our response to the consultation requested that occupation of the property be tied to the operation of the business and with that restriction consider that this development was appropriate to ensuring that one of the few businesses operating in our village remained viable and sustainable.

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

- The cost of biomass was several times higher than that of fossil fuel plant and even fully automated systems needed attention. If the heating failed in the middle of winter, the crop would be dead;

- The occupant of the house was 75 years old and semi-retired, and it could not be left to her to have to attend to the system. This was an appalling situation and an essential worker would have to be on site to deal with it;
- This was a thriving business, which had been going for over 40 years;
- Nowadays, as a country and a society, we wanted to be able to have vegetables and salad 24/7 for 52 weeks of the year. This family worked endlessly to ensure that we had that supply;
- If the crop was cows rather than cucumbers, we wouldn't be asking this question. If the crop was left unattended, even for one hour, it would be killed;
- An elderly woman should not be asked to leave her home, and why should an essential worker be expected to live in a caravan, away from his home and family?
- It was unacceptable and ridiculous that the Committee was looking at this, when the expert's opinion was that it was absolutely essential to have someone on site;
- What would happen if there was 6 feet of snow and Mr Caffarelli could not get to the farm – his livelihood would be lost. Cucumbers were really sensitive crops and could not be 'left to get on with it';
- These were exceptional circumstances and planning permission should be granted.

Councillor Jones asked the Planning Officer if case law had been given due consideration when she made her recommendation. She replied that the applicant lived 2 minutes away from the farm and Mrs Caffarelli was not being asked to leave her home or a worker to live in a caravan.

Councillor Schumann enquired why the Authority had not consulted an agricultural consultant; he was informed that cucumber growing was set out in Mr Chillingworth's report and there was in-house experience in that the Planning Team Leader, Barbara Greengrass, had an agricultural background. Mrs Greengrass said she had experience of essential need and had reviewed this case. Because the applicant lived only 2 minutes away by car, he could be on hand when needed.

Councillor Brown said he did not wish Officer's to take it the wrong way, but they kept saying that personal circumstances could not be taken into account, so on the flip side, there was no point in them saying that the applicant was only 2 minutes away.

Councillor Downey asked the Planning Team Leader if she had been consulted as having a particular expertise in this area, or as more of an informal help to a colleague; she replied that it was on the basis of her own background and experience.



Councillor Wilson felt that the proposal was a particularly large bungalow at the front of the site. He wondered if it could be moved back and whether this had been discussed with the applicant. He also questioned whether it needed to be so big. The Planning Officer said that alternative locations had not been discussed and although visual impact was an issue, it was almost secondary. The scale of the dwelling was to be agreed as part of the application, and the applicant could therefore put in one up to 22 metres, as specified.

The Chairman asked if the existing dwelling had an occupancy condition when given permission and the Planning Officer said she had tried to find out but was unable to say if there was an agricultural tie.

Councillor Trapp asked about the size of the proposal in comparison to the existing dwelling. Looking again at the relevant slide in the Officer's presentation, he said he believed the proposal would be better as a bungalow.

Councillor Ambrose Smith declared that she was very taken by Councillor Huffer and Mr Fleet's comments and she thought some Members were getting hung up about the size of the proposal. If she had to tend machinery, she would not be wanting to make the trip half a dozen times each day. The family had tried to do the right thing, and it would be more sensible to have someone living on site. Mrs Caffarelli Senior, an elderly lady, would want to retire at some point and she could not be asked to tend to the machinery in the early hours. The Parish Council appeared to support the application, and if there was an agricultural tie on the mother's house as well as the proposed dwelling, she could support the application.

Councillor Schumann agreed that there were a number of compelling points in favour of the scheme. The Parish Council had spoken in favour, and whilst viability could not be considered, the expert advice said that the extra dwelling was required. This was an outline application and the size was only indicative, so the case could come back to Committee if necessary.

He could not see any harm and duly proposed that the Officer's recommendation for refusal be rejected and the application be granted permission.

In seconding the motion for approval, Councillor Brown said he knew about the industry and he had read the consultant's report. Here was an established, profitable business and he believed the need for a second dwelling had been established. This location was why there should be an agricultural tie imposed.

The Chairman asked the Planning Manager if an occupational tie would be imposed if the application was to be approved and she advised there would be a condition to tie it to a rural worker's dwelling. With the agent having said that the scale was only indicative, he next asked if the application could come back before the Committee at the reserved matters stage.

The Planning Manager replied that it could, but Members should be mindful that they were only considering access and scale today, as set out in the application. These were maximum dimensions and the applicant may not necessarily build to that scale, but Members would be approving those dimensions by approving this application. They could not be changed because that was what the applicant had applied for. Depending on what was submitted at the next stage, the application could come back before Members, or in keeping with the Council's Constitution, it could be discussed with the Chairman and Vice Chairman.

A number of opposing views were expressed. Councillor Trapp did not think the proposal would visually affect the location very much as it was part of a much larger substantial holding; he supported approval. Councillor Downey did not believe the reasons for refusal 'stacked up'. He thought that Mr Fleet and Councillor Huffer had made good points and he was sceptical about the claim that the second dwelling would be harmful to the rural character of the area.

Councillor Wilson thought the building needed to be a bungalow and it would need conditions for proper screening as well as an agricultural tie. The Planning Manager reiterated that landscaping was a reserved matter.

Councillor Jones believed that Members could be setting a precedent if they granted approval, and this should be borne in mind if they overturned the Officer's recommendation. Councillor Ambrose Smith responded by saying that if the applicant was granted permission for a smaller house, at some point in the future, he could come back with another application for an extension.

Councillor Stubbs said she was minded to agree with Councillor Jones, and she was concerned that granting permission could cause problems down the line. She therefore supported the recommendation for refusal, as she was not completely convinced why the Committee should overturn the recommendation. She did not feel that an essential need had been demonstrated.

Councillor Schumann asked if the 6 metres height was akin to that of a bungalow and the Planning Manager said it was single storey, possibly with some rooms in the roof. Councillor Schumann continued, adding that the Local Plan should not be undermined because it was an agricultural building. The Planning Manager said the Plan had a specific policy regarding rural workers.

The Chairman agreed with Councillor Stubbs, saying that buildings in the countryside should be absolutely essential. Members would be giving consent to a very large building and he was uncomfortable with it.

There being no further comments, the Committee returned to the motion for approval and the result of the recorded vote was as follows:

For (5 votes): Councillors C Ambrose Smith, Brown, Downey, Schumann and Trapp;

Against (4 votes): Councillors Hunt, Jones, Stubbs and Wilson;

Abstentions (1 vote): Councillor Trimarco.

It was resolved:

That planning application reference 20/00142/OUT be APPROVED for the following reasons:

- There is sufficient evidence to indicate that the proposed dwelling is required and is essential to the business; and
- The impact of the dwelling will not be significant enough to cause harm to the appearance of the area.

It was further resolved:

- That the Planning Manager be given delegated authority to impose suitable conditions, including an occupancy condition; and
- That the reserved matters application be brought back to Planning Committee, subject to consultation with the Chairman and Vice Chairman of the Planning Committee.

**116. 20/00252/FUL – HURST FARM, WEST FEN ROAD, ELY, CB6 2BZ**

Rachael Forbes, Planning Officer, presented a report (reference U218, previously circulated), which sought a new agricultural workers dwelling in connection with Hurst Farm. This application was a re-submission of application reference 19/01616/FUL, which was refused on the same grounds as those recommended for this application.

It was noted that the agent had submitted more information and some photographs relating to the proposal, and this had been circulated to the Committee.

The application was located across the A10 from Ely, outside of the development envelope and it was therefore considered to be in the countryside. The larger site comprised two existing farmhouses, farm buildings and fields, and the proposed dwelling would be accessed via a Public Right of Way.

The application had been called in to Committee by Councillor Sue Austen as she felt that it would benefit from a wider debate.

A number of illustrations were displayed at the meeting, including a location map, aerial views showing the wider context and a closer view, the proposal and elevations.

The main considerations in the determination of the application were:

- Principle of development;

- Visual amenity;
- Residential amenity;
- Highway safety and parking.

With regard to the principle of development, the site was located in the countryside and outside of the development envelope of Ely, where development was strictly controlled. It conflicted with Policy HOU5 of the Local Plan which set out a number of criteria relevant to proposals for rural workers. The critical test was that the dwelling had to be essential, not just desirable, for an additional full time worker to live on site at most times of the day and night.

The Planning Officer then highlighted the case for both for, and against an 'essential' need:

For:

- Supervision of the livestock, beef fattening unit and help to run the agricultural business;
- The number of breeding cows had exceeded 150 cows, equating to one calf being born daily November to April;
- At least two people needed to be present if an animal had to be separated from the herd in the field, two people present when handling bulls, and two people to operate the cattle race handling system properly;
- Security and emergency situations.

Against:

- Two existing dwellings on the site;
- It was not essential for an additional person to actually live on site;
- Any essential needs could be adequately met by an occupier of the existing dwellings;
- Recruitment and personal issues were not material planning considerations;
- Close proximity to Ely and employees could be housed in Ely and called to the site as necessary;
- The stated need for a critical presence during winter calving only lasted for five months of the year.

Members were asked to note the photographs submitted by the agent, which showed a number of the farm buildings and the cattle sheds.

With regard to visual impact, the proposed dwelling was considered to be of an appropriate scale and design but it did not relate well to the existing farm complex. The red line boundary was excessive, and if approved, the entire area within it would be granted residential use. It would result in encroachment into the countryside in the form of a large residential garden.

In terms of other matters, the Planning Officer said there would be no adverse impact to residential amenity, the Highways Authority had raised no objections to the proposal, and the Definitive Map Team had no objections to an access being created from the Public Byway.

She concluded her presentation by saying that it was a material consideration that the application had previously been refused, and for the reasons already stated, this application was recommended for refusal.

At the invitation of the Chairman, Mr Sam Franklin, agent, addressed the Committee and made the following remarks:

- The Council had not undertaken their own agricultural appraisal and nothing in the Officer's report challenged the findings of the submitted agricultural report;
- The Lees had built up the business over the last 30 years, and to help future proof it, additional land had been taken on, extensive new cattle handling facilities built and the cattle fattening enterprise had been significantly expanded. This would take the farm forward, but would need a dwelling to house a key worker in a vital role;
- There were no other available dwellings at Hurst Farm. The proposed house would be at the 'front' of the farm to deal with legitimate callers as well as dealing with emergencies and incidents, out of hours deliveries, farm management and animal welfare;
- Detailed and thorough evidence had been submitted in support of the application. It was not some desirable location where a large dwelling could be sold for a profit. It was a small bungalow close to plain and functional farm buildings, and only a farmer would want to live there;
- There had been no objections from neighbours or any of the statutory consultees;
- A condition for agricultural occupancy should be imposed, and would be welcomed by the applicant so as to secure against inappropriate development;
- There was clear support for real agricultural development in the Local Plan and the NPPF;
- It was suggested that living in Ely would be acceptable and it was relatively close, but nevertheless 'out of sight is out of mind'. A worker would leave the premises, cross the busy A10 and not be able to see or hear any farm activity, the way an onsite worker might respond. With

calving cows and potentially ill or injured animals, response time was important. Living in Ely would rely on someone else to report a problem and this was not practicable, even if houses in Ely were affordable for a farm worker.

- The business was changing. Mr Lee Senior was above retirement age and on his doctor's advice was planning to reduce his input to the farm. He was a skilled and reliable worker, who still wanted to contribute, but the essential expansion of the farm and the need to house an on-site worker together with his inevitable reduced input meant that all the business pressure would fall on Nick Lee, if there is no other worker on site. If this prevailed the business would have to scale back ;
- The proposal represented an opportunity to encourage an expanding successful farming enterprise so that a family could protect their business and enhance the environment. We therefore respectfully ask that you approve this application.

Mr Franklin responded to comments and questions from the Committee.

Councillor Ambrose Smith thought the site to be very large for a modest property and Mr Franklin replied that the curtilage was a bit of a mistake. It had not been intended to create a large garden. The red line was unnecessary for the garden, and whilst the line could not be amended because it was a live application, it could be conditioned.

Councillor Wilson enquired where the cows were being grazed and if they were close by. Mr Franklin said some were at the farm and others were further away. They were brought back to the farm for the winter period, the key calving period.

Councillor Brown asked Mr Franklin why the application had been resubmitted rather than taking it to appeal. The latter replied that the applicant would rather work with the Council and felt that if additional information was provided, it might help. It was unfortunate that in the current situation, Members had not been able to have a site visit.

Councillor Huffer wished to know who lived in the other dwellings, and when told that it was Mr Lee's son, she asked if someone was needed to come in and deal with the bovine emergencies because Mr Lee Senior was now taking a back seat. Mr Franklin explained that Mr Lee Senior was past the official retirement age and while he wanted to contribute to the running of the farm, he did not feel he could deal with the night and emergency work. This needed someone who understood cows.

The Chairman thought it unfortunate that the red line was the same as that in the application refused in February 2020 and yet the application was re-submitted. Mr Franklin replied that it was not intended to create such a large residential area and time was of the essence. The Chairman responded saying that there did not appear to have been sufficient due diligence, to which Mr Franklin replied in the affirmative but adding that he was mindful of

the discussion of the last application and it was a reserved matter. The Planning Manager interjected to remind the Committee that this was a full application, and not outline like the previous agenda item.

In response to a question from Councillor Trapp, Mr Franklin explained where the red line would have been in relation to the house. The Planning Manager reiterated that the red line could not be amended as the application was as it was today for Councillors to assess and make a decision.

Councillor Jones asked whether the two existing dwellings were tied and was advised that both were.

Councillor Wilson asked if the applicant could re-apply for a smaller dwelling if this application was to be refused on the grounds that the red line was too big. The Chairman reminded Members that they could only consider what was before them today.

Councillor Jones asked what the land was to be used for, from one field to the other. Mr Franklin replied that it was a grass field, a paddock area for sick or young cows.

In connection with the red line, the Planning Officer informed Members that when the previous application was refused, this was discussed with the agent and it was suggested that the line be reduced, but they did not reduce the red line as part of this application.

Barbara Greengrass, Planning Team Leader was invited to comment and she said that Mr Lee Senior could help during the day because cows did not always calve at night. Mr Lee Junior should be able to cover the nights. If something was to go wrong, they could call the vet rather than take any risks.

Councillor Trimarco asked the Planning Officer to explain how this application differed from the last and whether there were any improvements to the proposal. The Planning Officer replied that there was no difference; the red line was the same and the whole area could have domestic paraphernalia on it, the same as the application that had been refused.

Councillor Wilson queried whether the applicant could ask to put housing on the land if this application was approved. He was informed that it would be refused because it was outside the development framework and the Authority had a 5 year supply of housing land, but for all that. It was residential land.

The Chairman believed the business of the red line to be careless, as the Officer had pointed it out and it was not reduced. The application had been refused in February 2020, and it was located on the north side of Ely, against policy. He therefore proposed that the Officer's recommendation for refusal be supported.

Councillor Stubbs seconded the motion for refusal, adding that the applicants had had time to address the Officer's advice.

Councillor Huffer cautioned for the need to be consistent and asked what harm the proposal would cause. Here was an elderly farmer wanting to take a back seat on his doctor's advice and needing to recruit a young person to cover the work. The price of rents and housing in Ely was unaffordable for a farm worker and she believed that Members should listen to the applicants. 150 cattle was a lot of cows and work, and the applicants' achievements should be recognised; she would therefore vote against the recommendation for refusal.

Councillor Wilson commented that there was not an essential need for a third house.

Councillor Brown considered this application to be very different to the previous agenda item. He quoted from the Officer's comments on the previous application (appendix 2 of the report refers) regarding the proposed dwelling not relating well to the existing built form and resulting in encroachment into the countryside and he noted that there had been no attempt to address the issue of the red line. In terms of consistency, this application was for a third dwelling and he did not believe that a case had been made; he would support refusal.

Councillor Downey disagreed, saying he thought it unfair because each application should be considered on its own merits. He felt a fairly strong case had been made for another dwelling and that Members should not worry about there being further housing on the site, as the Committee could address this. He agreed with Councillor Huffer that the application should be approved.

Councillor Trapp felt there was a need for a third person, but the red line had not changed. The Authority should be supporting agricultural workers, but there had been no mitigation against the original refusal.

Councillor Jones thought that a good point had been made about agricultural wages and living in Ely. The red line was the issue and he felt that the application should be deferred and re-submitted.

Councillor Ambrose Smith was of the opinion that this was a very sloppy, badly drafted application. The application should be refused and the onus was on the applicants to come back with a proper application

Councillor Wilson made the point that one of the applicants being elderly was not a material planning consideration. Here would be a house with a giant garden and he could not approve this scheme when it had such a big red line.

Councillor Schumann said that deferral could not be considered as part of the process, and he thought that there was probably a bit more to the red line than had been discussed. He sympathised with the applicant, but the Agricultural Holdings Act said that someone could not just be turned out of their home. There was a problem with the application and he thought it should be re-submitted with an amended red line boundary.



It was duly proposed by the Chairman, Councillor Hunt, and seconded by the Vice Chairman, Councillor Stubbs, that the Officer's recommendation for refusal be supported.

The result of the recorded vote was as follows:

For (7 vote): Councillors C Ambrose Smith, Brown, Hunt, Jones, Stubbs, Trimarco and Wilson;

Against (3 votes): Councillors Downey, Huffer, and Schumann;

Abstentions (1 vote): Councillor Trapp.

It was resolved:

That planning application reference 20/00252/FUL be REFUSED for the reasons given in the Officer's report.

The Chairman brought the meeting to a close by thanking everyone for their participation and he congratulated Councillor Trimarco, saying she had done very well at her first meeting of the Planning Committee.

The meeting closed at 6.32pm.



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Thursday, 21<sup>st</sup> May 2020 at 8.27pm.

**PRESENT**

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

**OFFICERS**

John Hill – Chief Executive  
Maggie Camp – Legal Services Manager and Monitoring Officer  
Emma Grima – Director Commercial  
Adrian Scaites-Stokes – Democratic Services officer

1. **ELECTION OF CHAIRMAN**

Councillor Bill Hunt was nominated and duly seconded.

It was resolved:

That Councillor Bill Hunt be elected as Chairman of the Planning Committee for the ensuing municipal year.

2. **APPOINTMENT OF VICE-CHAIRMAN**

Councillor Lisa Stubbs was nominated and duly seconded.  
Councillor Matthew Downey was also nominated and duly seconded.  
When put to the vote:

It was resolved:

That Councillor Lisa Stubbs be appointed as Vice-Chairman of the Planning Committee for the ensuing municipal year.

The meeting concluded at 8.30pm.



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**MAIN CASE**

**Reference No:** 19/01773/FUL

**Proposal:** Additions & alterations comprising two storey side extension & necessary enabling work

**Site Address:** 11 Robins Close Ely Cambridgeshire CB6 3EG

**Applicant:** Mr & Mrs Carl Beavis

**Case Officer:** Gemma Driver, Planning Officer

**Parish:** Ely

**Ward:** Ely West

Ward Councillor/s: Sue Austen  
Paola Trimarco  
Christine Whelan

**Date Received:** 27 December 2019      **Expiry Date:** 15 June 2020

[V7]

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1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE this application for the following reason:
- 1.2 The proposed two storey side extension would cause significant and demonstrable harm to the visual amenity of the host dwelling and character of the surrounding area, by virtue of its bulk and being overly prominent and intrusive on an exposed corner position within the streetscene. The proposal would fail to visually protect or enhance the character and appearance of the surrounding area and streetscene. Therefore, the proposal would be contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and the Council's Design Guide SPD, which seeks new development to relate sympathetically to the surrounding area through appropriate form and massing.

2.0 **SUMMARY OF APPLICATION**

- 2.1 The applicant seeks consent to construct a first floor extension above the existing single storey element at no.11 Robins Close. The application has been amended following concerns from the Officer regarding the proposed materials. The original scheme proposed weatherboarding on the entire extension and existing dwelling at first floor level, which was considered to be out of character in the streetscene and

is not a dominant material type within the housing estate. The amended scheme now shows weatherboarding cladding on the extension element only.

- 2.2 The extension would measure 4.1 metres in width, by 9.3 meters in depth and positioned directly above the existing single storey form. The overall height of the extension would match that of the original dwelling, measuring 6.2 metres in height. The application also includes alterations to the existing porch, changing the roof form of the porch from a flat to a dual pitched roof. Further to this, amendments include enlarging the porch to measure 1.6 metres in depth by 2.7 meters in width. The overall height of the porch would be 3 metres. The proposed extension would be constructed using weatherboarding.
- 2.3 The application was called into planning committee by Councillor Whelan as there have been no objections from consultees and therefore the merits of this application should be discussed and decided at Planning Committee.
- 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 PLANNING HISTORY

3.1

86/00272/FUL	EXTENSION	Approved	24.04.1986
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### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is a detached dwelling located in Ely, within the development envelope. The dwelling is situated on a corner plot, connecting Robins Close to Merlin Drive. There is a small grassed area to the front of the dwelling, together with a small gravel area to the Eastern side of the dwelling. The streetscene is comprised of detached and semi-detached dwellings, all of which are similar in design.

### 5.0 RESPONSES FROM CONSULTTEES

- 5.1 A site notice was displayed near the site on 17 January 2020. In addition two neighbouring properties have been directly notified by letter. No responses have been received.

#### **Parish Council - 28 January 2020**

The City of Ely Council had no concerns regarding this application.

#### **Ward Councillors – Councillor Whelan - 20 February 2020**

I wish to call in this application to Planning Committee

I understand that the application will be recommended for refusal on the grounds that the extension is 'over bearing' and will impact the street scene.

Having looked at the area I am not convinced that the extension will have a massive impact on the street scene.

A similar extension was completed just a few metres down the street in December last year only having had planning permission during the summer of 2019.

This area has various designs including many extensions. It is not in a conservation area.

There were no concerns from the Parish council and have been no objections from the neighbours regarding this extension. The applicants have tried to work with you on this application and have now asked that this be looked at in full committee.

Therefore I am asking that the planning committee look at this application and be asked to reach a decision on the application.

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

#### 6.0 The Planning Policy Context

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

ENV 1 Landscape and settlement character

ENV 2 Design

#### 6.2 **Supplementary Planning Documents**

Design Guide

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

12 Achieving well-designed places

### 7.0 **PLANNING COMMENTS**

7.1 The main considerations in determining this application are the impact on the character of the area and impact on residential amenity.

#### 7.2 **Impact on the Character of the Area and Visual Amenity**

7.2.1 The site is within the development envelope, where in principle terms, extensions to residential properties are considered acceptable subject to compliance with the relevant planning policies plus all other material planning considerations that form part of the planning balance for this application.

7.2.2 Policy ENV1 states that development proposals should ensure that location, scale, form, design, materials and colour create positive, complementary relationships with existing development.

7.2.3 Policy ENV2 of the Local Plan 2015 states that design which fails to have regard to local context, including architectural traditions and does not take advantage of

opportunists to preserve, enhance or enrich the character, appearance and quality of an area will not be acceptable and planning applications will be refused.

- 7.2.4 The Council's Design Guide, SPD states that the form and proportions of the original dwelling will determine the extent to which it can be extended. Furthermore, it requires the original building to be clearly legible and pre-dominant following an extension. Any extension will need to be subservient to the existing dwelling.
- 7.2.5 The proposal has two elements; an enlargement to the existing porch and a first floor extension spanning the length of the existing single storey element.
- 7.2.6 The first floor extension would sit above an existing single storey and would be seen from the streetscene of both Robins Close and Merlin Drive, therefore visible from all angles within the vicinity. Due to the depth that the proposed extension would be stretching (9.3 metres) it is considered that the extension would be adding a considerable level of bulk to the original dwelling. This mass would be clearly visible from the streetscene of Merlin Drive.
- 7.2.7 As a result of the extension, the spans of the original dwelling would increase and would result in an overall addition of mass along the eastern boundary. In turn, the proposal would alter the shape of the original dwelling. The extension would result in changing the, once rectangular dwelling, to an 'L' shape. By altering the dwelling in this way, it is considered that the integrity of the host dwelling would be lost. As such the original dwelling would no longer be clearly legible against the proposed extension as there is no clear break between the two built forms, contrary to the recommendations in the Design Guide SPD.
- 7.2.8 It is considered that due to the mass, the dwelling would result in an overbearing and prominent building and would be intrusive and would not relate sympathetically to the character of the existing streetscene, therefore result in a significant detriment to the appearance of the area.
- 7.2.9 The proposed enlargement of the porch and a change from a flat to a pitched roof is not considered to be significant. It is noted that there are a variety of styles of porches in the area and therefore this element of the proposal is considered acceptable.
- 7.2.10 In terms of visual amenity, it is considered that the first floor extension that forms the main element of the proposal would add an unacceptable level of additional bulk on the East elevation and would be visually intrusive, creating a form that is uncharacteristic of this part of Robin's Close. The corner position of the site means that any development at first floor level would be prominent and highly visible. The proposal therefore fails to respect the character and form of the neighbourhood by virtue of the massing and bulk. It is therefore considered that the proposal would be contrary to Policies ENV1 and ENV2 of the Local Plan 2015 which seek to preserve the character and appearance of the area. The proposal is also considered to be contrary to the Design Guide SPD.

### 7.3 **Residential Amenity**

- 7.3.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.
- 7.3.2 The proposed first floor extension would be located to the East of the dwelling and would stretch the depth of an existing single storey, therefore increasing built form along both the North and the East of the dwelling due to the position on the corner of the plot. The dwelling nearest the proposed extension is no. 24 Merlin Drive, located to the North of the dwelling. The separation distance between no.11 Robins Close and no.24 Merlin Drive is approximately 11 metres. Consideration has also been given towards neighbouring dwelling no.1 Herons Close located to the North West of the host dwelling. The separation distance between no.11 Robins Close and no.1 Herons Close is approximately 15 metres.
- 7.3.3 The proposal does not include any insertion of new openings in the projecting rear elevation of the extension. Therefore it is considered that chances of overlooking to no.24 Merlin Drive have been minimised. The proposal does include the insertion of one window to the West side elevation of the projecting extension. The impacts of this have been assessed. It is considered that due to the separation distance of 15 metres between the host dwelling and no.1 Herons Close that the chances of an increased level of overlooking from this window would not be significant.
- 7.3.4 Although it is noted that the extension would result in an increase in built form at first floor level, it is considered that due to the significant separation distances between no. 11 Robins Close and neighbouring dwellings no. 24 Merlin Drive and no. 1 Herons Close that any impacts of overbearing and overshadowing would not be significant.
- 7.3.5 The proposal also includes changes to the existing porch. These changes include an increase in size from 2.1 metres in width and 1 metres in depth to 2.7 metres in width and 1.6 metres in depth. The proposal would also see a change from a flat to pitched roof. Due to the minor changes that are being proposed it is considered that this element of the proposal would not detrimentally impact the residential amenity of neighbouring properties.
- 7.3.6 It is therefore considered that the proposal would comply with Policy ENV2 of the Local Plan 2015 in relation to residential amenity.

### 7.4 **Planning Balance**

- 7.4.1 The proposed first floor extension is considered to have a detrimental impact on the form and character of the area and has a poor relationship with the host dwelling due to the mass and bulk. However, it is considered that the proposal does not have a significant impact on the residential amenity of adjacent neighbours. Therefore, on balance, it is considered that the impacts on the character of the area is out-weighted by the proposal causing significant and demonstrable harm to the visual amenity of the host building and the surrounding area, which fails to visually protect or enhance the streetscene. The proposal is therefore considered to be



contrary to Policies ENV1 and ENV2 of the Local Plan 2015 and the Design Guide SPD, which require all proposed developments to be of a high quality and design and protect, enhance or enrich the distinctive character of the area. The application is therefore recommended for refusal.

## 8.0 **APPENDICES**

8.1 None

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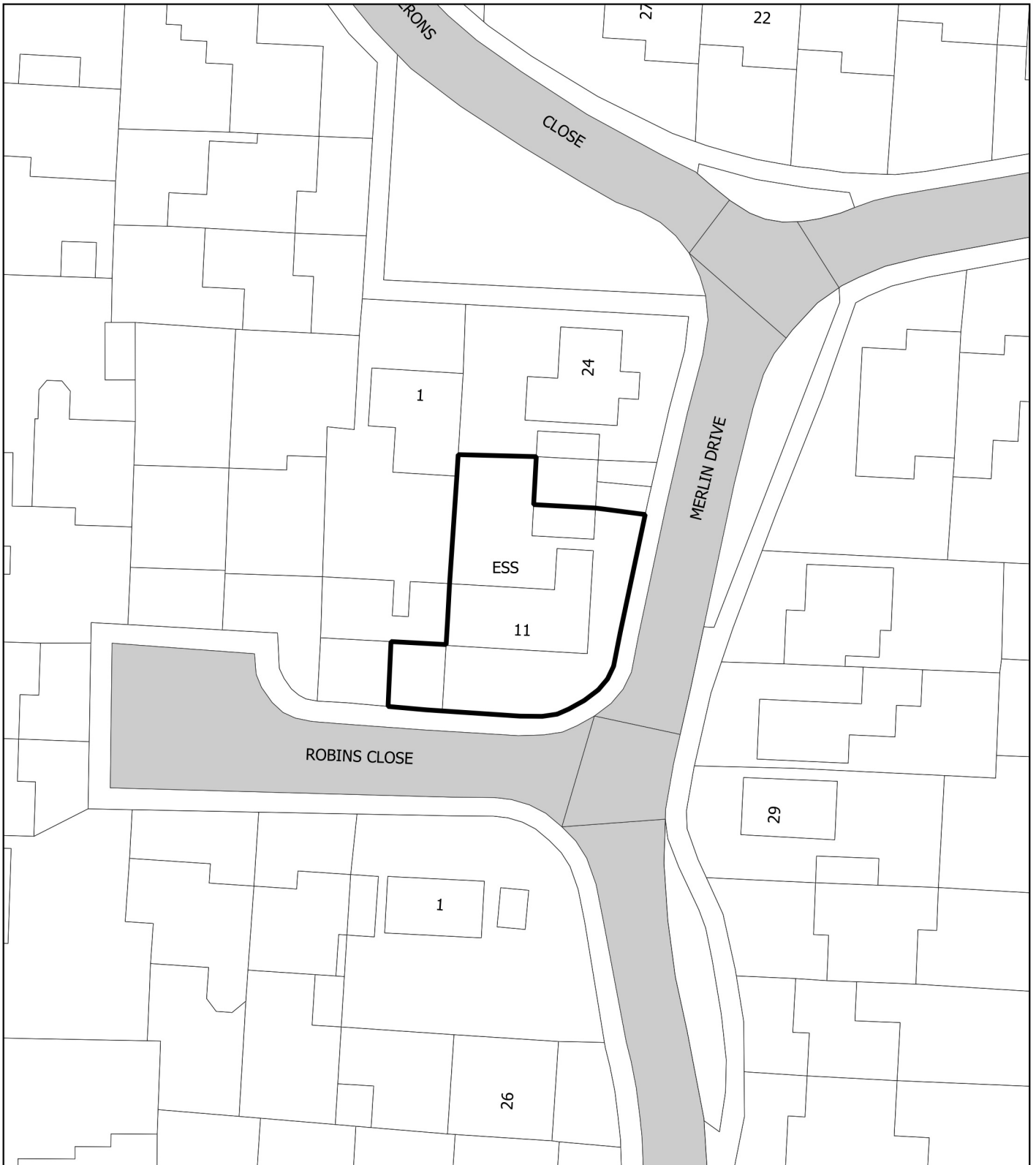
<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
19/01773/FUL	Gemma Driver Room No. 011 The Grange Ely	Gemma Driver Planning Officer 01353 665555 gemma.driver@east cambs.gov.uk

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>



19/01773/FUL

11 Robins Close  
Ely



East Cambridgeshire  
District Council

Date: 18/05/2020  
Scale: 1:500



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**MAIN CASE**

**Reference No:** 20/00194/FUL

**Proposal:** Construction of 2 No. Three Bed Detached Two Storey Dwellings with attached Single Carports, Access, Parking, on site Turning & Site Works

**Site Address:** Site Rear Of 38 High Street Chippenham Cambridgeshire

**Applicant:** Townsend Paddock Ltd & Russell + Russell Properties Ltd

**Case Officer:** Catherine Looper, Senior Planning Officer

**Parish:** Chippenham

**Ward:** Fordham And Isleham  
 Ward Councillor/s: Julia Huffer  
 Joshua Schumann

**Date Received:** 6 February 2020      **Expiry Date:** 05/06/2020

[V8]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to APPROVE the application subject to the conditions listed below. The conditions can be read in full in Appendix 1.
- 1.2
- 1 Approved Plan
  - 2 Time Limit - FUL/FUM - 2+ dwelling
  - 3 Specified materials
  - 4 Construction times - Standard hours
  - 5 Reporting of unexpected contamination
  - 6 PD restriction- Fences, gates and walls
  - 7 Provision of visibility splays
  - 8 Access drainage
  - 9 Boundary treatments in accordance with plans
  - 10 Biodiversity Improvements
  - 11 Foul and Surface water drainage
  - 12 Piling foundations
  - 15 Soft landscaping scheme
  - 16 PD restriction- additional windows
  - 17 PD restriction- conversion of carports
  - 18 Driveway retention
  - 19 Tree Protection Measures

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks consent for the construction of two detached 2-storey dwellings on land to the rear of 38 High Street, Chippenham. The proposed dwellings have a maximum height of 7.6m and have a width of 10.5m, although the car port element is set back from the main frontage. The dwellings have a depth of 11.6m. The proposal would use a mixture of materials as shown on the plans.
- 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 called into Committee by Councillor Julia Huffer as "there are many local objections to the scheme."

## 3.0 PLANNING HISTORY

### 3.1

17/01257/FUL	Proposed 2 No. Dwellings, Access, Parking & Associated Site Works.	Refused <i>Appeal Dismissed</i>	02.11.2017
15/00916/FUL	Construction of single, detached, four bed two storey dwelling with associated garage and site works	Approved	31.05.2016

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located to the rear of 38 High Street Chippenham, and would be accessed off the Scotland End road. The site itself is currently undeveloped. To the opposite side of the road is the village hall, and the dwellings within Scotland End are located to the north-east.

## 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.

**Conservation Officer -**  
No Comments Received

### **Parish - 10 March 2020**

- This site has previously been refused planning by both the district council and on appeal for 2 x 3 bed houses. The main grounds for refusal were an unacceptable impact on highway safety and in particular lack of space to allow vehicles to enter and exit the driveway in a forward gear.

- The parish council does not think that the applicant has done enough to resolve this issue. Whilst the plans show the potential for 2 parking spaces, if built to scale there is not enough space for a driver/passenger to enter or exit the vehicle whilst it is parked in the car port.
- The space for reversing and turning the vehicle is very tight and it will not be possible for either property to do so without encroaching on the neighbouring driveway. Furthermore there is a shared access drive and parking on this drive will prevent cars from the neighbouring property being able to turn to exit the driveway in a forward gear.
- There isn't any provision for visitor parking.
- These are clearly 4 bedroom houses, despite the label of 'study' being given to one of the bedrooms. As Chippenham has next to no public transport nearly all adults and young people 17+ drive and therefore these houses have the potential to need more than just two parking spaces.
- The applicant also developed the adjacent property. The driveway for this house is too narrow too and does not allow for the driver to exit the vehicle. This means that it is often left half on the pavement for easy access.
- This site already has permission in place for 1 x 4 bed house. This would be a much better fit for the site and allow for adequate parking provision and sit better within the plot and the local housing scheme of Scotland End.
- The trees officer has said that there are no trees on site but this is incorrect.

If the planning officer does decide to recommend approval for this application then the parish council would like the application to be called before the planning committee for consideration.

**Ward Councillors -**

No Comments Received

**Local Highways Authority - 10 March 2020**

The highways authority has no objections in principal to this application.

Whilst I have no objection in principal the parking and turning area arrangement would require the space in the centre of the dwellings to be used by both properties to turn and leave and so enter the highway in a forward gear. East Cambs as the planning authority and parking should therefore ensure that this space is adequately laid out for daily use and that this area be conditioned accordingly to remain in perpetuity for this function only, for both dwellings.

Recommended Conditions

HW11A - Access as per the approved plans

HW14A - Parking and turning areas

**CCC Growth & Development -**

No Comments Received

**Minerals And Waste Development Control Team -**

No Comments Received

**ECDC Trees Team - 5 March 2020**

The site is within the conservation area - there are no Tree Preservation Orders

The site is vacant with no trees - there are no objections on arboricultural grounds - a landscaping condition to be applied.

### **Environmental Health - 17 February 2020**

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

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

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. If there is no intention to utilise ground piling then I would request this be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

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

### **Waste Strategy (ECDC) - 5 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).

5.2 Neighbours – 34 neighbouring properties were notified by post and a site notice was posted at the site on 27<sup>th</sup> February 2020. An advert was also placed in the Cambridge News on 20<sup>th</sup> February 2020. Two responses have been received from one neighbouring property and the comments are summarised below. A full copy of the responses are available on the Council's website.

- Concerns regarding highway safety and parking.
- References to appeal decision APP/V0510/W/18/3201392.
- Concerns regarding no consultation responses from Highways and Conservation.
- Concerns regarding Trees Officers comments.
- Concerns about site notice date.
- Parking issues at 38 High Street.
- Concerns regarding the red line and ownership.
- Speculative comments regarding future issues.

5.3 To summarise, one neighbor has objected, and objections have been raised by the Parish Council.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

GROWTH2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
COM 7	Transport impact
COM 8	Parking provision

### 6.2 Supplementary Planning Documents

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

### 6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 12 Achieving well-designed places
- 15 Conserving and enhancing the natural environment
- 16 Conserving & enhancing the historic environment

## 7.0 PLANNING COMMENTS

7.1 The main issues to consider in determining this application relate to the principle of development, the impact upon character and appearance of the area and Conservation Area, residential amenity, highways safety and other matters.

### 7.2 **Principle of Development**

7.3 The proposal considered by this application would make a small but positive contribution to the local housing supply in the form of two dwellings. The proposal would also be beneficial to the economy in the short term due to the construction stage. The site is positioned within the development envelope. The site previously benefited from planning permission for one dwelling under planning application 15/00916/FUL, and although this permission has lapsed, it is still a material

consideration in the determination of the current application. The principle of development is therefore considered acceptable subject to compliance with all other material planning considerations.

#### **7.4 Residential Amenity**

- 7.5 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Paragraph 127(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.
- 7.6 The proposed dwellings are considered suitably laid out to ensure that the impacts on the residential amenity of neighbouring occupiers are minimised. Plot 1 is located close to the boundary of 38 High Street, however, this dwelling benefits from alternative windows to habitable rooms in the ground floor, such that the proposed dwellings are not considered to create significantly harmful levels of overbearing. The sitting room and kitchen have windows to the front and side elevations, providing outlook and light to these rooms. There is a study and a cloakroom at ground floor level to the rear, however these are not considered to be significantly impacted by the proximity of the adjacent proposed dwellings. To the first floor there are two windows to the rear elevation, however these serve the landing area and do not impact on habitable rooms at the property. The garden area to 38 High Street is located to the front and side of the dwelling, meaning that the proposed dwellings do not create overbearing or overshadowing to private amenity spaces. Although the depth of the proposed dwellings is greater along the boundary with Number 38 than the previous proposal, this is not considered to impact on the amenity of this occupier to such a degree that would warrant refusal on these grounds and no concerns were raised on this matter by the Inspector on the previous appeal.
- 7.7 The proposed dwellings would feature no windows to the rear elevation at first floor level which prevents overlooking to the private amenity space of 37 High Street. The dwellings are also a sufficient distance from the rear boundary that they could not be considered to be overbearing to this private amenity space. It is considered appropriate to remove permitted development rights in relation to the insertion of windows to ensure that the relationship between the proposed dwellings and neighbouring dwellings is retained.
- 7.8 The proposed dwellings are in excess of 14m in distance from the boundary of the next nearest dwelling at 2 Scotland End. They are also set aside from this dwelling, and do not directly face 2 Scotland End. The separation distance and positioning prevent any significantly harmful impacts on the amenity of this occupier, such as overbearing, overshadowing or overlooking.
- 7.9 Within the previous appeal decision APP/V0510/W/18/3201392 (Appendix 2) the Inspector did not raise any issues relating to the residential amenity of any nearby occupiers. The current scheme is slightly different but nevertheless not considered to create significantly detrimental impacts on the amenity of neighbouring



occupiers and the proposed dwellings are considered to comply with policy ENV2 of the Local Plan 2015 and the provisions of the NPPF which relate to amenity.

## **7.10 Visual Amenity & Conservation Area**

7.11 In terms of visual amenity, policy ENV2 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. Paragraphs 127 and 130 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history. Policy ENV11 of the Local Plan requires that development proposals within Conservation Areas be of a particularly high standard of design and materials and make a positive contribution to the character and appearance of the conservation area. Section 72 (1) of the Listed Buildings and Conservation Areas Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of an area, with respect to any buildings or other land in a conservation area.

7.12 The proposal is in keeping with the local area as it is not out of keeping with the pattern of the surrounding existing dwellings. The proposal will create a change to the existing street scene, however this site is positioned between existing residential development and therefore the introduction of residential built form would not appear out of keeping. Within appeal decision APP/V0510/W/18/3201392 (Appendix 2) the Inspector considered that “the proposed dwellings would be read as part of limited development along the northern side of Scotland End and separate from that estate due to its location around the road corner and the intervening view of fields.” The Inspector also considered that the proposed dwellings would not impact on the significance of the Listed Buildings on High Street as they would be read as part of the modern development of Scotland End and therefore they would not have “undue prominence or cause disruption within the setting of the listed buildings”. The proposal currently considered is not considered to be significantly altered from the previous proposal. The dwellings are set further back into the plot than the previous scheme, and therefore the visibility of these from the High Street would be reduced.

7.13 Given the Inspectors comments on the previous scheme, the Council does not consider that the proposal would be harmful to the character of the conservation area or the setting of Listed Buildings within it. The proposal would result in less than substantial harm being caused to the significance of the conservation area and the public benefits of the scheme (the provision of two dwellings in a sustainable location) outweigh this harm. The proposal is considered to comply with Chapter 16 of the NPPF relating to heritage assets, and as such complies with Paragraph 11 d)i.

## **7.14 Highways address fully the PC comments**

7.15 Policy COM8 of the Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking, and policy COM7 of the Local Plan 2015 requires proposals to provide safe and convenient access to the highway network.

- 7.16 The proposal ensures that there are two parking spaces per dwelling in accordance with policy COM8 of the Local Plan 2015. It is considered appropriate to condition that the proposed car ports are not converted and that no doors shall be installed to the front of them to ensure that parking is retained in accordance with policy COM8 of the Local Plan 2015. The Local Highways Authority have considered the proposals and have raised no objection to the scheme. They note that the central driveway area will need to be used by both dwellings for manoeuvring. It is therefore considered appropriate to condition that the driveway area shall remain free from obstruction, and that no fences, walls or gates shall be installed on any area of the driveway. The Local Highways Authority request conditions are added to any grant of planning permission.
- 7.17 The Parish Council have raised concerns about the ability of vehicles to park within the proposed car ports, however the proposed car ports have an internal width of 3.3m and an internal depth of 6m. This is sufficient space in order to park and exit a vehicle. It is recommended that a condition is placed on any grant of planning permission which prevents the conversion or enclosure of the car ports, to ensure that these are retained as parking spaces.
- 7.18 The Parish Council have also raised concerns about the ability of vehicles to manoeuvre and exit the site in a forward gear. The driveway area to the front of the site is of sufficient size and layout that vehicles can manoeuvre in order to exit the site in a forward gear. The Local Highways Authority has acknowledged that the area would be shared by both properties to allow manoeuvring and they have raised no objection to this arrangement. The Parish Council has raised further concerns regarding the possibility of future occupiers owning more than two vehicles. The Council's Local Plan 2015 sets out the parking requirements for the district and specifies that two parking spaces are required for a dwellinghouse. It would be unreasonable to request that further parking is made available when the scheme meets the requirements of the East Cambridgeshire Local Plan 2015. Furthermore, it is considered unreasonable to require visitor parking for a scheme of two dwellings.
- 7.19 Concerns have been raised by a neighbour regarding the parking practices of adjacent dwellings, however these are not pertinent to the determination of the current application.
- 7.20 Ecology & Trees**
- 7.21 Policy ENV7 of the East Cambridgeshire Local Plan 2015 recognises the importance of environments such as trees, wetlands, hedgerows, woodlands and ponds which provide habitats, corridors and links for wildlife, and are part of an essential network for the survival and diversity of species. Paragraph 170(d) of the NPPF advises that development proposals should minimise impacts on biodiversity and secure net gain. Additionally, the paragraph discusses the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 175(d) goes on to advise that development should be supported where the primary objective is to conserve or enhance biodiversity. It goes on to advise that opportunities to incorporate biodiversity improvements in and around developments should be encouraged.

- 7.22 It is recommended that a condition requiring a comprehensive scheme of biodiversity improvements could be placed on any grant of permission. The request for biodiversity improvements is guided by national and local policies which seek to deliver a net gain in biodiversity, proportionate to the scale of development proposed, by creating, restoring and enhancing habitats for the benefit of species and preventing sites from being disconnected with the natural environment. It is considered that an appropriate and comprehensive scheme could be submitted in order to satisfy this condition which incorporates methods of ecological permeability between the plots within the site and the wider natural environment, as well as species-specific enhancements at the site.
- 7.23 The site plan indicates that the two small trees on site are to be retained as part of the development. The Council's Trees Officer has been consulted following a visit to the site and has advised that a scheme for the protection of trees should be conditioned to ensure that these trees are protected during construction. This is considered to be appropriate. It is also considered appropriate to condition that a scheme of soft landscaping is submitted to and approved by the Local Planning Authority, to ensure that the proposal can be assimilated into the site sympathetically.
- 7.24 Other Material Matters**
- 7.25 The application does not include details of drainage proposals and these would need to be secured by condition to ensure that a suitable scheme is proposed which prevents the increased risk of flooding and improves and protects water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 7.26 All applications for residential use are considered particularly sensitive to the presence of contamination. It is therefore considered reasonable that conditions are appended to the grant of planning permission requiring a contamination assessment to be agreed by the Local Planning Authority prior to commencement of development and with regards to unexpected contamination and remediation measures if required. Subject to the relevant conditions being appended, the proposal accords with Policy ENV9 of the Local Plan 2015.
- 7.27 Concerns have been raised by neighbours regarding the ownership of land, however disputes over land ownership are not a planning consideration and are a private matter between land owners. Concerns regarding the display of a site notice have also been raised. A site notice was posted at the front of the site on 27<sup>th</sup> February 2020, at the same time that a site visit was conducted, and the Council retains site photos of this. Additionally, the consultation triggered by the site notice expired on 19<sup>th</sup> March 2020, however comments on a planning application can be made at any time up until determination, and it should be noted that this application has been brought to Committee well after this date.
- 7.28 Planning Balance**
- 7.29 The proposal complies with planning policy and does not create any significantly detrimental effects on the residential amenity of nearby occupiers, the character of

the area or on highway safety. The application is therefore recommended for approval.

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
20/00194/FUL	Catherine Looper Room No. 011 The Grange	Catherine Looper Senior Planning Officer 01353 665555
17/01257/FUL	Ely	catherine.looper@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 - 20/00194/FUL Recommended Conditions

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

Plan Reference	Version No	Date Received
17:022-1000	A	13th February 2020

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The materials to be used in the construction of the external surfaces, including walls, roof, windows and doors, shall be as specified on the approved plan. All works shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 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.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 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.
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 6 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

dwellinghouse in front of any wall of the dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

- 6 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 7 Prior to the commencement of the use hereby permitted visibility splays of 2.0m x 2.0m shall be provided each side of the vehicular access measured from and along the highway boundary. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the highway verge.
- 7 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 8 The access and all hardstanding within the site shall be constructed as per the approved plan prior to first occupation of any dwelling with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 8 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on Drawing 17:022-1000 (Rev A). The boundary treatments shall be in situ and completed prior to the first occupation on the site. All works shall be carried out in accordance with the approved details and retained thereafter.
- 9 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 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.
- 10 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 11 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation.
- 11 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 12 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.

- 12 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.
- 15 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 15 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 16 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 windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in any elevations, without the prior written consent of the Local Planning Authority.
- 16 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 17 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), the carports hereby permitted shall not be altered or converted, and no gates or doors shall be installed in the vehicular opening.
- 17 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 18 The driveway area as shown on drawing 17:022-1000 Rev A shall be retained in perpetuity and shall remain free of any obstruction or division in order to allow the manoeuvring of vehicles so as to exit the site in a forward gear.
- 18 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 19 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to design,

demolition and construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any 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.

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





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## Appeal Decision

Site visit made on 9 October 2018

by C Beeby BA (Hons)

an Inspector appointed by the Secretary of State

Decision date: 21 January 2019.

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**Appeal Ref: APP/V0510/W/18/3201392**

**Site Rear of 38 High Street / Land Off Scotland End, Chippenham CB7 5PR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Townsend Paddock Ltd & Russell + Russell Properties Ltd against the decision of East Cambridgeshire District Council.
  - The application Ref 17/01257/FUL, dated 11 July 2017, was refused by notice dated 2 November 2017.
  - The development proposed is residential development; 2 No. Dwellings, Access, Parking & Associated Site Works.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The planning application which is the subject of this appeal was recommended for approval by officers prior to being refused by members of the Council's Planning Committee.
3. A new National Planning Policy Framework ("the Framework") has been published<sup>1</sup> since the application was refused. In light of this, I have sought views from the main parties on whether any changes in the revised Framework have relevance to the case. I have taken account of any comments received.
4. Policies LP17, LP22 and LP28 from an emerging East Cambridgeshire Local Plan 2017 have been referred to in the appeal. The policies within the emerging plan would attract limited weight as it has not yet been found formally sound.
5. At the time that the planning application was refused, the Council was able to demonstrate a 5-year Housing Land Supply (HLS). However, the Council now advises that it cannot currently demonstrate a 5-year HLS. I am required to consider the appeal on the basis of the current position. In such circumstances, paragraph 11.d) of the Framework, as directed by Footnote 7, indicates that the policies which are most important for determining the application are out-of-date.
6. First, it will be necessary to consider if, in accordance with paragraph 11.d), there are policies in the Framework protecting areas or assets of particular importance which provide a clear reason for refusing the development

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<sup>1</sup> 24 July 2018

proposed. If not, paragraph 11.d) ii advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole. I have determined the appeal on that basis.

### Main Issues

7. The main issues are:

- the effect of the proposed access and parking arrangements on the safety and convenience of users of the adjacent highway network; and,
- the effect of the proposed development on the character and appearance of the area, with particular regard to the Chippenham Conservation Area ("CA") and the settings of nearby listed buildings.

### Reasons

#### *Highway safety*

8. The appeal site lies off the sole road into the Scotland End residential estate, on a short section of road lying between the junction with High Street and a corner leading into the estate. It is next to No 38 High Street, which is a new property on the corner of High Street and Scotland End with a single track driveway which would separate it from Plot 1 of the proposed dwellings. The drive to No 38 has a car port at the end and would allow for the tandem parking of 3 vehicles, with no turning area.
9. The access arrangements to No 38 were part of a planning application<sup>2</sup> which involved extension of an existing dwelling and alterations to its layout, which received approval in November 2017 at the same committee meeting at which the appeal proposal was refused permission.
10. A previous planning permission at the appeal site<sup>3</sup> granted permission for a single dwelling in 2016.
11. The above two approved schemes both included tandem parking arrangements along the same section of road, however, whilst full details of the schemes are not before me, these were materially different from this appeal scheme in terms of the location of the drive with regard to the bend in Scotland End (in respect of the November 2017 approval only) and the number of likely vehicles needing to park at both of the sites.
12. The appeal site would offer 3 off-road parking spaces per dwelling plus a car port, also in tandem formation. This level of provision does not conflict with the parking standards attached to Policy COM8 of the East Cambridgeshire Local Plan (ECLP), which set out that 2 car spaces per dwelling plus up to 1 car space per 4 units are required.
13. The proposed development would equate to a cumulative likely daily need for several reversing manoeuvres onto or off the highway by vehicles from the proposed dwellings, alongside reversing manoeuvres required at No 38. Such manoeuvres would be required due to the tandem parking arrangement to each of the three properties, and their frequency would be increased by the

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<sup>2</sup> Local Planning Authority Ref: 17/01258/FUL

<sup>3</sup> LPA Ref: 15/00916/FUL

need to move vehicles at the front of the drive to enable use of those at the rear.

14. I do not consider it likely that vehicles would reverse off the highway and along the drive due to the distance involved to reach the rear of the driveway and the need to reverse carefully within a relatively confined space. Therefore the prevailing reversing manoeuvre necessitated by the tandem parking arrangement is likely to be reversing onto the highway.
15. The appellant has provided a transport report containing a traffic survey which recorded a total of 166 in-bound and out-bound movements of vehicular traffic over the period 0700-2000 on a Thursday in January. 8 vehicles were found to use Scotland End over the busiest 15 minute period. This survey included vehicles accessing the village hall. Scotland End was therefore found to be lightly trafficked on the day of the survey.
16. However, the location of the two dwellings and No 38 at the entrance to a 24-house residential estate, and the necessity for each vehicle manoeuvre into or out of the parking to the three properties to require reversing on the road, would cumulatively result in regular inconvenience to users of the highway. The development would consequently have a harmful effect on convenient use of the highway network.
17. Furthermore, where reversing onto the highway from the development occurred, vehicles would generally be reversing into the path of traffic exiting the Scotland End estate around the nearby bend. The prevailing likely vehicular journeys of development occupants would involve access to High Street rather than the Scotland End estate, hence the general need to reverse from the development into the westbound side of the highway. Reversing vehicles would, at this point, be close to a bend in the road. Whilst oncoming vehicle speed would be low and visibility splays have been set out as part of the proposal, I saw at my site visit that visibility for drivers from the development and from the Scotland End estate is likely to be insufficient to guarantee highway safety.
18. The appellant provides an appeal statement which assesses the effect of the proposed development on highway issues in the area. This sets out that no road accidents were recorded in the village over the last 5 years. The statement submits that the local highway network is therefore operating in a satisfactory manner for the level of traffic it carries. Nevertheless, this data cannot provide confirmation of the appeal scheme's future effect on highway safety if allowed, which is the issue I must consider here.
19. The "Additional Guidance for Dwellings" section of the submitted emerging Local Plan states that "parking spaces should ideally be on-plot, with two spaces directly accessible on to the highway (i.e. avoid tandem end-to-end parking, or other scenarios whereby one space 'blocks' the exit and entry to the highway for another space)". I attach limited weight to the relevance of the emerging plan in determining this appeal, as set out above, and the appellant's case sets out that this guidance is subject to unresolved objections. However, as Council Members expressed concern over the tandem parking arrangement proposed at this site at the relevant committee meeting, I consider that this proposed guidance provides context for the views expressed.

20. I note that the local highway authority was consulted on the proposal and did not object, subject to recommended conditions. I attach some weight to the authority's lack of objection, however, I am not bound by it to find the development's effect on the highway acceptable in light of all other available evidence. The development would cause significant detriment to the safety and convenience of users of the adjacent highway network due to the proximity of the proposed access to the bend in the highway and the likely number of reversing vehicles it would generate. It would therefore conflict with Policy COM7 of the ECLP, which seeks to provide a safe and convenient highway network, and paragraph 109 of the Framework, which sets out that development should be refused where there would be an unacceptable impact on highway safety.

*Character and appearance of the area*

21. The development proposed is two three bedroomed detached houses with a central double drive allowing for the tandem parking of three cars per dwelling and an open car port at the end of each drive. The development would lie towards the entrance to the Scotland End residential estate, a cul de sac of 24 modern well-spaced houses of a varied design. A modern village hall lies on the other side of the road to the development site.
22. Chippenham's rural location is reflected by the provision of generous green space, hedging and trees throughout the Scotland End estate. Housing density appears generally moderate, and has been assessed by the Council to be equivalent to 22 dwellings per hectare. These factors contribute to an open character.
23. The site lies at the edge of the CA, and within the setting of two listed buildings, which lie on the High Street. The CA and listed buildings form designated heritage assets for the purpose of Paragraph 193 of the Framework. As such, I am required to give great weight to the assets' conservation when considering the effect of the proposed development on their significance. The Framework reflects statute which also requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, and to have special regard to the desirability of preserving listed buildings or their settings<sup>4</sup>.
24. Views out of the CA to open fields are currently available across the open site area from the High Street, with the village hall's large parking area and low boundary fence also contributing to sight lines. This emphasises the edge of village location of this part of the CA and forms the current site's main contribution to its character.
25. The CA includes a mix of older and more modern properties. The modern dwellings at 37 and 38 High Street lie within the CA and border the appeal site to the north and west. The proposed development would lie within this more modern area of housing, and would provide synergy between the modern character of the Scotland End estate, just outside the CA, and the contemporary village hall opposite the development together with Nos 37 and 38 High Street, within it.

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<sup>4</sup> s. 72(1) and s.66(1) Planning (Listed Buildings and Conservation Areas) Act 1990

26. Whilst properties within the wider CA generally lie within good sized plots, there is variation in their distance from the highway and the level of planting around each property. The proposed dwellings would be set back approximately 3-4 metres from the road and would maintain or be further back than the building line established by the side of the new dwelling at No 38 High Street. The central half of each dwelling, viewed from the road, would also be set slightly further back than the outer half, allowing for a minor interruption in the building line. A low hedge is proposed in front of each, which would provide visual relief from the built form along this part of the road, when taken together with trees along the village hall boundary to the other side of the road, the partial view of fields, and other trees and hedging in the vicinity. The central drive and car ports would have a lower profile than the adjacent dwellings, including when occupied by vehicles. The depth of the dwellings within the site would be greater than the width of their front elevations, limiting the sense of scale from the street. For these reasons I do not consider that the proposed dwellings would have an overbearing and cramped effect within the CA.
27. The proposed dwellings have been assessed by the Council to have a density on their plot equivalent to 31 dwellings per hectare and hence greater than that of the Scotland End estate. However, the proposed dwellings would be read as part of limited development along the northern side of Scotland End and separate from that estate due to its location around the road corner and the intervening view of fields. Their central drive and car ports would mirror the garage separating several properties along Scotland End, and the drive and car port lying between No 38 High Street and the proposed dwellings.
28. The appeal site lies across High Street and a short distance along Scotland End from the listed buildings concerned. These are Manor Farmhouse and Old Manor Farmhouse, adjoined and substantial pale rendered buildings which are clearly of some age. They contribute a sense of the CA's significance and have a commanding position at the edge of the village on the main road, emphasised by their scale as adjoining buildings. Their rural setting is clear from the view of fields beyond them as the road passes out of the village, and the level appeal site contributes to this setting by means of an additional sight line to fields from the High Street setting of the listed buildings, creating a semi-rural edge of village impression.
29. The proposed dwellings would be part of an area of clearly modern development which lies across the road from the listed buildings. As modern detached brick buildings they would have symmetry with the village hall. Sight lines across to adjoining fields would still be present, if more limited. The dwellings would lie a little further back from the road than the completed development at No 38 High Street, and their scale and massing would be limited by the presence of the central drive. I therefore do not find that the dwellings would have undue prominence or cause disruption within the setting of the listed buildings.
30. I note that the Council's Conservation Officer commented that the development would not result in harm being caused to the significance of the CA or to that of the listed buildings across High Street. I take a similar view. Additionally, the appellant's Design, Access & Heritage Statement, prepared by a chartered architectural technologist, concludes that the development scheme would form

a better transition between the High Street and Scotland End than the original house and the current arrangement.

31. Policy ENV 1 of the ECLP sets out that development proposals should demonstrate through their location, scale, form and other matters that they will create positive or complementary relationships with existing development and will protect, conserve and where possible enhance the settlement edge and its wider landscape setting. In light of my above analysis I find that the proposed development would not conflict with policy ENV 1.
32. Policy ENV 2 of the ECLP is broadly consistent with the Framework in seeking to achieve well-designed developments that improve the character and quality of an area. The appeal site currently comprises an area of land with a levelled earth surface which, whilst clearly prepared in anticipation of expected development, is in itself a little incongruous within a residential estate. In replacing the levelled earth surface the development would represent a modest improvement to the character of the area. The proposed development therefore does not conflict with Policy ENV 2.
33. For all the above reasons, I find that the proposed development would not harm the character and appearance of the area, the CA or the setting of the nearby listed buildings. Therefore, it would not conflict with relevant parts of the Framework or statutory protections for heritage assets. I note that the Council does not suggest that there would be specific conflict with ECLP policies ENV 11 and ENV 12 which are intended to protect the significance of conservation areas and listed buildings, respectively, and I see no reason to take a different view.

#### **Other Matters**

34. I have been referred to a recent appeal decision<sup>5</sup> in respect of outline consent for 5 proposed houses and access on land to the north east of the appeal site. I have sought comments from the main parties on the decision concerned. The Inspector's decision deals with the effect of that proposal on highway safety in the area. I have reached a different conclusion to the Inspector on this issue, because that proposal materially differs from this appeal proposal, in part in having access onto High Street and provision for vehicles to leave the site in a forward gear.

#### **Planning Balance and Conclusion**

35. As the Council cannot currently demonstrate a 5-year HLS, in accordance with paragraph 11 d) of the Framework, and this is an application for the provision of housing, the development policies which are most important for determining the application are considered out-of-date.
36. Therefore, it is necessary to consider first, as advised by Framework paragraph 11 d) i, whether the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Such policies include those relating to designated heritage assets, such as conservation areas and listed buildings, as detailed within section 16 of the Framework. As I have found no harm to the significance of the Chippenham Conservation Area or to the settings of nearby

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<sup>5</sup> APP/V0510/W/18/3198375

listed buildings within it, those policies to protect heritage assets do not provide a clear reason to dismiss the appeal.

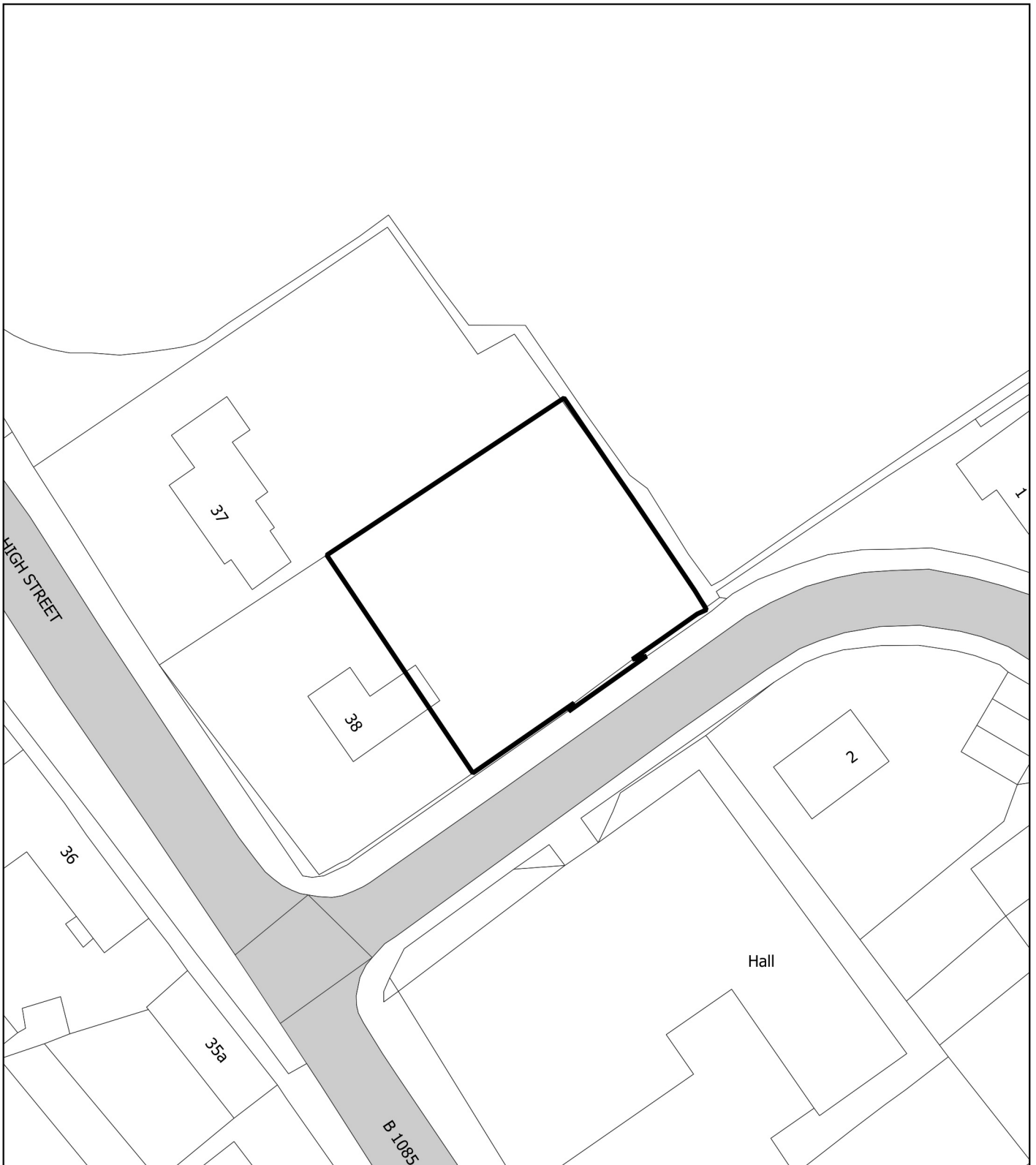
37. Consequently, I am required to consider, as stated in Framework paragraph 11 d) ii, if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
38. There would be some economic uplift during construction through short-term employment and the purchase of building materials. Future occupiers would also contribute to the local economy. Socially, the development would add to the supply of housing in a location with access to services and facilities. That would be in accordance with the Government's objective of significantly boosting the supply of homes<sup>6</sup>, especially in a context where there is no 5-year HLS. Occupiers would also be likely to participate in the local community and use relevant services. However, these benefits would be relatively limited given that the proposal relates to just two houses. The development would result in a modest improvement to the character of the area.
39. Against that, although I have not found harm to heritage assets, the proposed development would have an unacceptable impact on highway safety and would thus conflict with Paragraph 109 of the Framework. For these reasons the harm caused by the development would significantly and demonstrably outweigh the relatively modest benefits when assessed against policies in the Framework taken as a whole. Consequently, the proposal cannot benefit from the presumption in favour of sustainable development.
40. There are no other material considerations to indicate that the proposal should be determined otherwise than in accordance with the development plan, with which I have already found conflict. Therefore, I conclude that for the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

*C Beeby*

Inspector

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<sup>6</sup> Paragraph 59 of the Framework



20/00194/FUL

Site Rear Of 38  
High Street  
Chippenham



East Cambridgeshire  
District Council

Date: 18/05/2020  
Scale: 1:500



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**MAIN CASE**

**Reference No:** 20/00258/FUL

**Proposal:** Erection of six dwellings with associated parking  
(resubmission of 18/01375/FUL)

**Site Address:** Pattersons Stores 11 Mill Street Isleham Ely  
Cambridgeshire CB7 5RY

**Applicant:** Mr Slightholme

**Case Officer:** Toni Hylton, Senior Planning Officer

**Parish:** Isleham

**Ward:** Fordham And Isleham  
Ward Councillor/s: Julia Huffer  
Joshua Schumann

**Date Received:** 18 February 2020      **Expiry Date:** 10 June 2020

[V9]

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1.0 **RECOMMENDATION**

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

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Site Characterisation
- 4 Reporting of unexpected contamination
- 5 Foul and Surface water drainage
- 6 New access - width
- 7 Parking & turning
- 8 Visibility splays - plans
- 9 Soft landscaping scheme
- 10 Boundary Treatments
- 11 Details of materials
- 12 Detailed design
- 13 Construction and delivery times
- 14 Construction Environmental Management PI
- 15 Piling foundations
- 16 Permitted development - ext and outbldg
- 17 Permitted Dev - windows and openings
- 18 Hard landscaping scheme
- 19 No pruning/cutting or felling/removal during construction

- 20 Biodiversity Improvements
- 21 Cycle storage
- 22 Sample panel
- 23 energy and sustainability statement

## 2.0 SUMMARY OF APPLICATION

- 2.1 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.2 The application proposes the erection of 6 dwellings and associated access. The buildings on the site have already been demolished, as they were no longer safe structures and were a danger to the public.
- 2.3 Plots 1, 2 and 3 are a terrace of 3 dwellings. To the ridge of the dwellings is a height of 7.2 metres, with an eaves height of 4.9 metres. Plot 1 and 2 are 3 bedroom dwellings, with lounge and kitchen/diner at ground floor. Plot 3 is larger with 4 bedrooms and en suite at first floor, with an open plan ground floor living space. Each has a garden area of minimum of 50 square metres with 2 parking spaces. (1 is contained within a car port)
- 2.4 Plots 4 and 5 are the same design, but handed. Each has 4 bedrooms (2 with en suite) at first floor with open plan living at ground floor, a garage and car port with 2 parking spaces. Each has a garden area of in excess of 50 square metres. The height of the dwellings is approximately 7 metres to ridge with a 3.5 metre high eaves height.
- 2.5 Plot 6 is a detached dwelling with 2 bedrooms at first floor and open plan living at ground floor. It is approximately 7 metres in height to the ridge, with an eaves height of 3.5 metres. It provides 2 parking spaces and has a garden in excess of 50 square metres.
- 2.6 The boundary treatment is varied, with the re use of clunch for boundary walls where possible, using the existing fencing or introducing hedges.
- 2.7 The application has been presented to the planning committee at the request of the Planning Committee Chairman, Councillor Bill Hunt and also Councillor Julia Huffer.

## 3.0 PLANNING HISTORY

3.1

17/00217/FUL	Demolition of the former Patterson's store building and erection of 7 dwellings with associated works	Withdrawn 04.04.2017
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18/01375/FUL	Demolition of the former Patterson's store building and erection of 6 dwellings with associated works	Refused	14.06.2019
19/01696/DM	Demolition of former Pattersons Stores	Not Required	03.01.2020

#### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is within the development envelope for the village of Isleham. It is in a central location within Mill Street surrounded by residential uses. The site is also within the Conservation Area with a Grade II Listed Building opposite and views of the Listed Church.
- 4.2 The site itself is fairly level, however the adjoining residential development of Limestone Close is set approximately 4 metres lower. The dwellings on Mill Street are at a similar ground level.
- 4.3 The site was home to 4 vacant buildings, the main building sat to the front with the remaining set to the rear. The site has been uninhabited since 2008 according to the application. The site has not been maintained in that time and there has been some changes in ownership. The site has become overgrown and parts of the building were in a poor state of repair and earlier this year they were removed as they had become dangerous. This was verified by the Building Control Team and an application was submitted and approved as it was likely to be to the detriment of public safety.

#### 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.

##### **Isleham Parish Council**

Objects to the proposal on the following grounds:

- Changes the character of the street scene
- The design is dull
- The houses are too big
- Out of proportion with the character of the area
- Overdevelopment of the site
- No need for more houses
- No access to services

**Ward Councillors** - An email was received from Cllr Huffer after it had already been agreed with the case officer who had approached the Planning Committee Chairman Cllr Bill Hunt, who requested this application was presented to the planning committee.

**Conservation Officer** - 16 March 2020

States "The application site is within the Isleham conservation area and was formerly occupied by the C19 Pattersons' Stores and a number of outbuildings. It is within the historic core of the village and this part of the conservation area is characterised by a mix of modern and traditional residential buildings, most notably the Grade II listed Inisfail (NHLE ref 1126435) opposite the site and Grade II No 5 Mill St (NHLE ref 1331727) to the north.

Historic England's 2016 Advice Note 2 'Making Changes to Heritage Assets' states: 'The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas...are proportion, height, massing, bulk, use of materials...relationship with adjacent assets and...treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of [development] that might be appropriate' (para 41). The amendments to the 2018 scheme had largely addressed the previous conservation officer's concerns and the chief difference in the current application is the treatment of plots 1-3, the range fronting Mill St. These were previously two separate units and it was stressed that as the successors to the shop, a single linear block would be a more appropriate form. Although not a true terrace as plot 3 is a double of plots 1 & 2, and this is reflected in their handing and some of the fenestration rhythms, they are united under a common roof and eaves line, and read as a single block. Similarly whilst they do not strictly occupy the shop's footprint, as they are shifted northwards and set back from the pavement slightly, they fulfil the same role within the streetscape. The palette of brick and slate with timber casement windows is typical of the area and extending the clunch wall along the street frontage is a positive gesture.

The application is considered to satisfy the provisions of sections 66 & 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, as supported by the objectives of section 16 of the NPPF.

Recommendation: no objection"

**Local Highways Authority** –

No objection subject to conditions relating to the creation of access.

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

**ECDC Trees Team** - 12 March 2020

States "Previous comments - attached - raised no objections but requested a landscaping condition, previous comments still valid.

No further comments

I have no objection to this application, but as it is sited in a location where it can be overlooked a high quality landscaping scheme will be imperative, in order to help it blend in with surrounding location. This may require the need to plant large high quality trees suitable for this application site.

Please condition LS1A Soft landscaping scheme, to assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.”

**Environmental Health - 26 February 2020**

States “We have commented on this site previously and as it is a resubmission the only thing I'd wish to add to my previous comments is that if it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. If there is no intention to utilise ground piling then I would request this be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.”

**Waste Strategy (ECDC) - 20 March 2020**

No objection subject of the payment towards the provision of bins.

**Cambs Wildlife Trust - No Comments Received**

**Building Control - East Cambridgeshire District Council - No Comments Received**

5.2 Neighbours – 21 neighbouring properties were notified and there were 4 responses received are summarised below. A full copy of the responses are available on the Council’s website.

- The proposed development would be overbearing;
- Potential for overlooking, if more windows are added
- The dwellings sit higher than Limestone Close
- The Pattersons stores had been neglected
- The proposed dwellings fail to enhance
- The number of dwellings is over development
- Will lead to noise pollution
- Poor layout
- Lack of ecology and biodiversity
- The scale of development is too much
- Loss of a community facility
- Demolition took place without a bat report
- Provides no scope for working from home
- Provides no cycle storage
- Not enough change from the original
- Hedgerow not safe on the boundary

5.3 A site notice was displayed on 6<sup>th</sup> March 2020 on a lamp post at the site and was advertised within the Cambridge Evening News on 5<sup>th</sup> March 2020

## 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
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 3	Retaining community facilities
COM 7	Transport impact
COM 8	Parking provision
HOU 2	Housing density

### 6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

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

Flood and Water

### 6.3 National Planning Policy Framework 2019

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

## 7.0 PLANNING COMMENTS

### 7.1 **Principle of Development**

- 7.1.1 The site is located within the defined settlement boundary of Isleham and therefore complies with Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015, which seek to focus new development within the defined settlement boundaries. Whilst the principle of residential development maybe acceptable there are other material considerations in the assessment of this proposal.
- 7.1.2 There have been recent planning applications in Isleham that have been refused on the basis that the village cannot support additional dwellings through its existing infrastructure. These applications have been located outside of the development envelope for the village. This site is within the development envelope, and therefore would meet the requirements of policy Growth 2 of the East Cambridgeshire Local Plan 2015 which states villages can accommodate development within its boundaries. Whilst this would introduce additional dwellings, it is within the development framework which supports some development. The number of dwellings is an increase of 5, if you exclude the living accommodation which was at first floor of the Patterson Store. This is a minor residential development which will ensure an effective use of land within the village in compliance with paragraph 2 of the NPPF, which encourages the efficient use of land. On this basis it is considered that the proposal is in principle acceptable meeting the requirements of policy Growth 2 of the East Cambridgeshire Local Plan 2015 and paragraph 2 of the NPPF.

## **7.2 Residential Amenity**

- 7.2.1 The main neighbours to be affected by this proposal are 6, 8, 7, 9, 13,17,19 Mill Street; 25, 30, 28 Limestone Close, 23, 19 and 15a Church Street.
- 7.2.2 6 and 8 Mill Street are opposite the site and number 6 is a Listed Building. Both of these properties will have sight of the proposal. However they sit on the other side of the road to the proposed development. It is considered the impact will not be detrimental to their amenities, as it will have a similar relationship to other properties in Mill Street, having dwellings opposite each other with the street between them.
- 7.2.3 13, 17 and 19 Mill Street and 30 Limestone Close are to the south of the development site. These are traditional two storey buildings. The access to the development runs along the side of these properties immediately adjacent to their access. It is considered that the impact of the development will be limited and restricted to the use of the access and not from the proposed dwellings themselves.
- 7.2.4 19, 15a and 23 Church Street sit to the north of the site. It is considered that the potential for overlooking to number 19 will be limited as the windows on this elevation are rooflights, which will restrict overlooking. Number 15a the dwelling itself will be protected from overlooking due to the orientation of Plot 5. There maybe some in direct overlooking of the garden to the rear, which has an outbuilding in this location, however this is not immediately adjacent to the main dwelling. Number 23 is protected from any overlooking by sharing a boundary with the rear garden of plot 6.
- 7.2.5 Numbers 7 and 9 Mill Street sit to the north of the site and do have side windows which currently overlook the whole of the plot due to a low height wall. The layout of the proposal ensures there is no direct overlooking between the proposed dwellings and the distance between the dwellings is considered to be adequate so as not to be overbearing.

- 7.2.6 Numbers 28 and 25 Limestone Close, sit to the south of the application site. Their outside space and some habitable rooms are north facing. The application site does sit higher than these dwellings. A visit was undertaken by the case officer to 28 Limestone Close in 2019, to assess the previous application. Due to Covid 19 a further site visit to this property was not undertaken. However, it is considered that there would be no direct overlooking from plot 6 to 28 and 25 Limestone Close. The dwelling has been designed to ensure there would be no overlooking by not including windows that would overlook the neighbours and conditions can be applied to control further windows in the future to ensure the privacy of these neighbours are maintained.
- 7.2.7 In terms of whether the proposal would lead to a loss of light and be overbearing, it is also considered that this is limited. Plot 6 has been located to the north and will be in line with the outbuildings of 28 and 30 Limestone Close, so this will have no impact on the private garden areas and the dwellings themselves, this impact will be more on the outbuildings. This is further limited by the north facing nature of the dwellings and their gardens. This is demonstrated on the plan 2018.05.100 submitted with the application.
- 7.2.8 To enhance the boundary with these properties it is proposed that a hedge is situated along the boundary. A number of residents consider this is not appropriate. However there is some planting already to this boundary and would be enhanced to form part of this scheme. Planting is also something that could be carried out without planning permission. On this basis the proposal for enhanced planting is considered acceptable.
- 7.2.9 There would be during construction some disturbances such as noise, dust and the paraphernalia associated with development. It is considered that during construction this could be controlled by way of condition restricting working hours, details of any piling and requires a Construction Environmental Management Plan (CEMP) which would include details of where materials would be stored; parking of vehicles; how dust would be dealt with for example.
- 7.2.10 The Design Guide SPD recommends that new dwellings should have a garden area of approximately 50 square metres. Each of the new plots has a minimum garden area of 50 square metres. There is adequate distances between the dwellings to restrict overlooking between the dwellings and to enable private amenity space.
- 7.2.11 It is considered that the proposal has addressed the concerns of the potential for overlooking and being overbearing and as such complies with policy ENV2 and the design Guide SPD of the East Cambridgeshire District Council Local Plan 2015

### 7.3 **Visual Amenity**

- 7.3.1 The site is in a central location in the village where there is a traditional form of development of simple designed dwellings with a mix of materials including brick and render. The main views will be of the 3 dwellings (plots 1 – 3) that face onto Mill Street. These dwellings have been designed to be simple in appearance with little detailing to be similar to the cottages found further along Mill Street. Some concerns have been raised stating that the design is dull. The design approach has been to keep the design simple, with the use of high quality materials and in keeping with similar cottages along Mill Street. The use of materials is considered to be typical of



the area and as such plots 1 – 3 are considered acceptable. This would also be dealt with by way of condition.

- 7.3.2 There will be limited public views of the remaining plots, the end elevation will be seen of plot 4 and the front elevation of plot 6. Plot 6 has been kept simple, but have included box dormers to add a simple twist to the design. The height and proportion of plot 6 has been kept to match plots 1 -3, therefore not detracting from other dwellings or the character of the area.
- 7.3.3 The proposal creates 6 dwellings on the application site which can easily accommodate this number of dwellings at a reasonable density of 26 dwellings per hectare, with an overall development area of 26%. If it is compared with Limestone Close the density of this development is approximately between 50 and 60 dwellings per hectare. Using this as a comparison, it clearly demonstrates that the proposal is not cramped and does not over develop the site.
- 7.3.4 Each plot will have its own private amenity space within the standards set within the Design Guide SPD. Each plot has a minimum of 2 parking spaces and space around the dwellings so as not to appear cramped. The heights of the dwellings has been kept low to minimise the impact of the proposal on the locality. As such it is considered that the proposal complies with policies ENV1 and ENV2 of the East Cambridgeshire District Council Local Plan 2015.

#### **7.4 Historic Environment**

- 7.4.1 The application is only to be considered in relation to what is proposed on site and no longer includes the demolition of buildings. This was addressed as part of application 19/01696/DEM. This application was submitted to demolish the buildings as they had deteriorated further and were now considered to be a risk to public health and safety. This opinion was supported by the Building Control Officer. In consultation with the Conservation Officer these buildings were never considered to be worthy of retention in their own right, however it is understood the local attachment to the building as a shop was an emotional reaction. However the business had not been in operation in excess of 10 years.
- 7.4.2 The proposal for the dwellings has also been discussed and comments have been supplied by the Conservation Officer and it is considered that the proposal does not cause harm to the character of the area nor to nearby Listed Buildings.
- 7.4.3 No consultation response has been received from the Historic Environment Team at County Council. However previous applications have required that a Written Scheme of Investigation is submitted. It would seem appropriate that this is a required condition as part of any planning permission issued.
- 7.4.4 The proposal is considered to cause less than substantial harm to the setting of the heritage assets, this has to be weighed against the public benefits as set out in the NPPF. There are public benefits to the scheme as it will provide houses and create short term potential job creation. On this basis the proposal complies with policies ENV12, ENV14 of the East Cambridgeshire Local Plan 2015 and the requirements of the NPPF.

## **7.5 Highways**

- 7.5.1 Access is from Mill Street and parking is provided for all of the dwellings to the rear of site. Each dwelling has a minimum of 2 parking spaces in accordance with the East Cambridgeshire District Council Local Plan 2015 and all can leave the site in forward gear. The access is required to be a minimum of 5 metres wide to ensure cars can pass each other and therefore not stopping up on the highway.
- 7.5.2 In consultation with the Highways Officer the proposal is considered to be acceptable on the basis of conditions are attached to ensure the provision visibility splays, access to be 5 metres wide for a minimum of 10 metres with turning and parking. The East Cambridgeshire District Council Local Plan 2015 requires a minimum of 2 spaces per dwelling with visitor and cycle parking. The site provides 18 car parking spaces overall, which equates to 3 spaces per dwelling and there is adequate space to provide cycle parking within the garages. Plot 6 does not have a garage and therefore a condition can be applied for secure cycle storage to be provided, which should apply to all of the dwellings. On this basis the proposal is considered to comply with policies COM7 and COM8 of the Local Plan.

## **7.6 Ecology and trees**

- 7.6.1 The application provided an Ecology Report, which was identical to the one submitted with the application in 2018. This was assessed by the Wildlife Trust to be acceptable. Concerns have been raised with regard to the demolition of the buildings and whether this was taken into consideration. As the application was agreed on the grounds of risk to public health and safety, any works that were undertaken would have been at risk to the applicant as with protected species this would be subject to other legislation beyond planning. However, for the application for the 6 houses, biodiversity improvements can be made and a condition can be applied to any planning permission issued. No comments have been received from the Wildlife Trust on this new application. It is considered however that the proposal does meet policy ENV7 of the East Cambridgeshire Local Plan 2015, subject to a condition to ensure net biodiversity gain.
- 7.6.2 The application is within the Conservation Area, where there are restrictions to work to some trees. However, it would seem advisable to include a condition restricting any works to hedges and smaller trees which may not be protected by the regulations for the long term, to ensure the scheme retains its high quality appearance. On this basis the proposal complies with policy ENV2 of the East Cambridgeshire Local Plan 2015.

## **7.7 Flood Risk and Drainage**

- 7.7.1 The site is within Flood Zone 1 where you would expect vulnerable development such as dwellings to be located. It is considered that any foul water and surface water drainage issues can be dealt with by way of condition. On this basis the proposal is considered to comply with policies ENV8 of the Local Plan.

## **7.8 Energy and Sustainability**

- 7.8.1 Policy ENV4 of the East Cambridgeshire District Council Local Plan 2015 requires new dwellings for a reduced or zero carbon development. Whilst no measures have been proposed as part of the submitted application this can be dealt with by way of

condition. On this basis it is considered that the proposal can meet the requirements of policy ENV4 of the East Cambridgeshire District Council Local Plan 2015.

## **7.9 Comparison with 18/01375/FUL**

- 7.9.1 In June 2019 planning permission was refused for the demolition of the existing buildings on the site and replacement with 6 dwellings. It was refused on the following grounds in brief:
- 1- Deliberate neglect of the building
  - 2 – Fail to enhance or preserve the character of the conservation area
  - 3 – Adverse impact on the neighbours
  - 4 – over development of the site.
- 7.9.2 It is considered that the proposal under discussion has dealt with all of these issues. The deterioration of the building was long before the current owner purchased the site and with it becoming a public health and safety issue, it was deemed necessary for the buildings to be removed. On this basis this is no longer relevant to the application.
- 7.9.3 The design of the plots to Mill Street have been simplified and appear as a terrace more akin to what was on site previously, but in a different location. The proposed materials are characteristic of the area and the use of clunch walls, using material from the site will be included in the overall development of the site.
- 7.9.4 The scheme has been changed and the main concern was with Plot 6. This has been reduced in size and through conditions can prevent any direct overlooking in the future. Plot 6 has also been relocated to be in line with existing outbuildings, so this will also reduce any impact of the proposal.
- 7.9.5 Whilst there are still 6 dwellings these have be reduced in size and when compared with other developments in the area it is not out of keeping. Taking all this into account it is considered that the reasons for refusal have been overcome and as such this application is considered acceptable.

## **7.10 Other Material Matters**

- 7.10.1 As part of the recommendation and the suggested conditions, a condition to restrict extensions, outbuildings and another for windows is recommended. The site has been designed to consider the adjoining neighbours and it is considered that further extensions could be detrimental to their amenities and as such the Local Planning Authority would assume the responsibility for assessing the impact of such a proposal. A condition restricting any additional windows in the proposed dwellings is also recommended in order to protect the neighbours' amenity from windows being inserted in locations that could potentially overlook the adjoining properties.
- 7.10.2 A concern was also raised with regard to the lack of home working potential. All of these dwellings have more than 1 bedroom, which could always be used to accommodate a home worker. It is not considered to be a reason to refuse the application.
- 7.10.3 The site would require a pre commencement condition relating to contamination, as the proposal is for residential properties which are considered to be vulnerable. This is a standard condition in the development of residential properties, where the

contamination risks are unknown. This would be supported by a further condition should any contamination be found after an assessment has been undertaken.

### 7.11 **Planning Balance**

7.11.1 The proposal for the 6 dwellings has been designed to consider the location within the Conservation Area and the other heritage assets. The designs have been kept simple to suit the character of the area and to not detract from other heritage assets. The site can accommodate the number of dwellings with adequate parking and amenity space for all of the proposed dwellings.

7.11.2 The proposal will have an impact on the adjoining neighbours as any new development would, however it is considered that the proposal has been designed to ensure that there is no demonstrable harm to the neighbours' amenities.

7.11.3 The Design SPD requires that neighbours amenity is protected and it is considered that this proposal would protect the amenities of the neighbours. The proposal can meet the requirements of the Highways Authority and maintain the setting of the Conservation Area. On this basis and on balance the application is recommended for approval, subject to the recommended conditions.

## 8 APPENDICES

### 8.1 Appendix 1 -Suggested Conditions

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
20/00258/FUL	Toni Hylton Room No. 011 The Grange Ely	Toni Hylton Senior Planning Officer 01353 665555 toni.hylton@eastca mbs.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 - 20/00258/FUL Conditions

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

Plan Reference	Version No	Date Received
Location Plan		25th February 2020
Bat Report		25th February 2020
2018.05.105	C	18th February 2020
2018.05.100	G	18th February 2020
2018.05.103	A	18th February 2020
2018.05.104	A	18th February 2020
2018.05.107	C	18th February 2020
2018.05.108	C	18th February 2020
2018.05.109	D	18th February 2020
2018.05.110	A	18th February 2020
2018.05.120	H	18th February 2020

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
  - (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The

condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 5 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to the first occupation of the development hereby approved.
- 5 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 6 The access shall be a minimum width of 5m, for a minimum distance of 10m measured from the near edge of the highway carriageway and thereafter retained in perpetuity.
- 6 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 7 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.
- 7 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 8 Prior to the first occupation of the development hereby approved visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan 2018.05.100.REV D. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

- 8 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 10 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the development hereby approved.
- 10 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 11 No above ground construction shall take place on site until details of the following:  
 - bricks (to include make, colour and type)  
 - roofing materials (to include make, colour and type)  
 - render (colour)  
 - boarding (make, colour and type)  
 - fascias  
 - soffits  
 - doors  
 - windows  
 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.
- 11 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 12 No above ground construction shall take place on site until details of the doors, windows, cills, fascias and soffits 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.

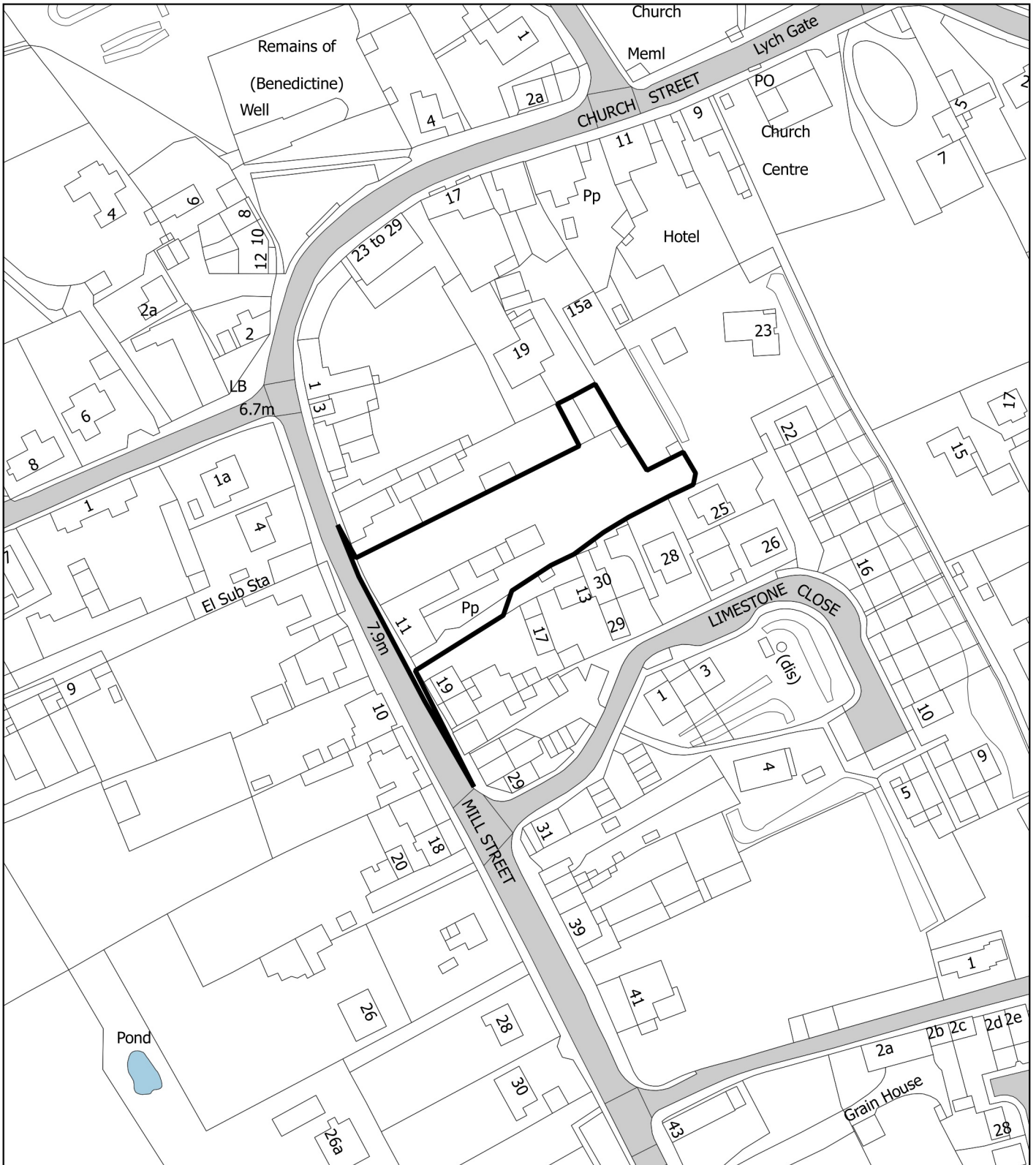
- 12 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 13 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours:  
07:30 - 18:00; each day Monday-Friday,  
08:00 - 13:00; Saturdays  
and none on Sundays or Bank Holidays or Public Holidays.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 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.
- 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 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), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling, without the prior written consent of the Local Planning Authority.
- 16 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 17 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 windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the any elevation(s), of any of the dwellings without the prior written consent of the Local Planning Authority.



- 17 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 18 No above ground construction shall commence until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include surfacing materials and bin storage facilities. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing by the Local Planning Authority prior to first occupation.
- 18 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 19 Except as detailed on the approved plans, no trees shall be pruned or removed/felled and no hedges shall be removed without the prior written approval of the Local Planning Authority during the construction of the dwellings hereby approved.
- 19 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.
- 20 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.
- 20 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 21 Prior to the first occupation of the dwellings hereby approved, details of cycle storage for each of the dwellings shall be submitted and approved in writing by the Local Planning Authority and thereafter maintained in perpetuity.
- 21 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 22 No above ground construction shall take place until a sample panel measuring no less than 1 meter square has been constructed on site showing details of the proposed brickwork; including colour, texture, bond, pointing and mortar mix to enable a site inspection and agreement in writing by the relevant officer. The panel shall remain on site for the duration of the development and once the development is completed the sample panel shall be removed. All works shall be carried out in accordance with the approved details.
- 22 Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the historic nature of the site in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.
- 23 No above ground construction shall take place until an approved, an energy and sustainability strategy for the development, including details of any on site renewable

energy technology, energy efficiency measures and sustainable construction methods incorporated into the development, 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.

- 23 Reason: To ensure that the development take the opportunities available to contribute to delivering the Government's Climate Change Programme and energy policies, and in doing so contributes to global sustainability, and to contribute to tackling climate change in accordance with policy ENV4 of the East Cambridgeshire Local Plan 2015.



20/00258/FUL

Pattersons Stores  
11 Mill Street  
Isleham



East Cambridgeshire  
District Council

Date: 18/05/2020  
Scale: 1:1,500



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**MAIN CASE**

**Reference No:** 20/00286/VAR

**Proposal:** Variation of condition 1 (Approved plans) of previously approved 19/01115/OUT for Construction of 2no. detached single storey dwellings and associated works

**Site Address:** Site North Of 55 Pound Lane Isleham Ely Cambridgeshire CB7 5SF

**Applicant:** Mr & Mrs Baxter

**Case Officer:** Catherine Looper, Senior Planning Officer

**Parish:** Isleham

**Ward:** Fordham And Isleham

Ward Councillor/s: Julia Huffer  
Joshua Schumann

**Date Received:** 24 February 2020      **Expiry Date:** 5<sup>th</sup> June 2020

[V10]

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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 on the attached appendix 1.

- 1 Approved Plans
- 2 Time Limit - OUT/OUM
- 3 Time Limit - OUT/OUM/RMA/RMM
- 4 Construction Times
- 5 Sample materials
- 6 Landscaping Scheme
- 7 Access- width
- 8 Gates - restriction
- 9 Parking & turning
- 10 Site Characterisation
- 11 Reporting of unexpected contamination
- 12 Foul and Surface water drainage
- 13 Permitted Dev - windows and openings
- 14 Permitted Dev - fences, gates and walls
- 15 No pruning, felling or removal of trees or hedges
- 16 Biodiversity Improvements

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks to vary the previously approved outline consent for the construction of two dwellings adjacent to the site of a recently permitted dwelling. The matters to be considered are access, appearance, layout and scale. The variation involves the provision of rooms within the roof. The ridge height would be increased by 1m to accommodate this change.
- 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 back to Committee as it has previously been determined at Committee.

## 3.0 PLANNING HISTORY

### 3.1

18/01572/OUT	Erection of 2No dwellings (Re-submission)	Refused	07.02.2019
18/00933/OUT	Erection of 3 No dwellings	Refused	04.10.2018
19/01115/OUT	Construction of 2no. detached single storey dwellings and associated works	Approved	05.12.2019

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located toward the north of Isleham and is in close proximity to the development envelope. The site is currently vacant and enclosed by a well-established hedge. Isleham holds a mixture of dwelling types and designs near this location, which are generally set back a short distance from the public highway.

## 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 - 3 September 2019**

Previous appeal decisions & planning enquiry reports

Although the number of dwellings has been reduced from 18/00933 this new application does NOT address the Reasons for refusal identified in the decision dated 4th October 2018, specifically

- the visual intrusion of built form into the open countryside
- detrimental impacts to ... sustainability

**Ward Councillors** - No Comments Received

**Local Highways Authority** - No objections raised.

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

**ECDC Trees Team** - The use of Laurel hedging for the boundary treatment of this site is not in keeping with the sites rural nature. I accept that this hedging is already established but its use draws attention to the site rather than aid the assimilation of the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. Further development of this site will not assimilate into the landscape.

**Environmental Health** - 12 August 2019

Recommend standard investigation and unexpected contamination conditions are appended to any grant of permission.

Recommend construction times and deliveries during the construction phase are restricted to the following:

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

07:30 - 13:00 on Saturdays and

None on Sundays or Bank Holidays

Recommend condition requiring a method statement for any ground piling.

**Waste Strategy (ECDC)** - 28 August 2019

No objections raised

5.2 Neighbours – 1 neighbouring property was notified. No responses from the public have been received.

5.3 A full copy of all responses are available on the Council's website.

## 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 5 Presumption in favour of sustainable development

ENV 1 Landscape and settlement character

ENV 2 Design

ENV 7 Biodiversity and geology

ENV 8 Flood risk

ENV 9 Pollution

COM 7 Transport impact

COM 8 Parking provision

- 6.2 *Supplementary Planning Documents*  
Developer Contributions and Planning Obligations  
Design Guide  
Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated  
Flood and Water

- 6.3 *National Planning Policy Framework 2019*
  - 2 Achieving sustainable development
  - 12 Achieving well-designed places
  - 15 Conserving and enhancing the natural environment
  - 9 Promoting sustainable transport

## 7.0 PLANNING COMMENTS

### 7.1 **Principle of Development**

- 7.2 The principle of development has been established by the previously approved permission for two dwellings on the site. The principle of development is considered acceptable providing that the variation complies with all other local and material planning policies.

### 7.3 **Residential Amenity**

- 7.4 Policy ENV2 of the East Cambridgeshire Local Plan 2015 require proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.

- 7.5 Both proposed plots would have a maximum height of 7m, and the layout provided shows that these have been positioned to ensure that issues such as overlooking, overbearing and overshadowing are minimised. The addition of rooms in the roof does not alter the relationship between the proposed dwellings and neighbouring dwellings.

- 7.6 It is considered that the location and scale of the proposed dwellings would not create any significantly detrimental effects on the residential amenity of nearby occupiers given the separation distances and single storey scale of the proposals. The proposal therefore complies with Policy ENV2 of the Local Plan 2015.

### 7.7 **Visual Amenity**

- 7.8 The layout of the proposed scheme shows that acceptable plot sizes, rear amenity spaces, building sizes and separation distances are maintained, and the proposal therefore complies with the requirements of the Design Guide SPD.

- 7.9 The elevation drawings show that the main windows to habitable rooms will face away from the road, limiting the level of glazing present on the east elevations. The introduction of rooms in the roof will mean the insertion of some dormer windows at

first floor level, however the visual impact of these is limited as they are read against the structure of the roof. From the public highway the buildings will look give the appearance of converted agricultural buildings due to the external materials and detailing.

- 7.10 In terms of visual amenity, policy ENV2 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. The proposal will create a change to the existing appearance of the settlement edge. However, given the more rural design of the proposed dwellings and the substantial boundary hedging around the site, the impact of built form in this site would be reduced. Additionally, the site does not appear as open countryside given its enclosure and current residential use. The introduction of residential development does not appear unwarranted on the site.
- 7.11 The maximum height of the dwellings is 7m. This scale is similar to other nearby dwellings and is considered appropriate for the edge of settlement location. The 1.5 storey scale of the dwellings is considered appropriate to continue to define the stopping point of built form and provides a step-down from other two-storey development near the settlement edge.
- 7.12 The permission for a dwelling on the adjacent site (17/00436/FUL) removed permitted development rights in relation to any alterations or extensions, outbuildings, additional openings and fences, gates or walls, to restrict any future alterations which may be made under permitted development that might impact on the character and appearance of the settlement edge. It is considered necessary to add these restrictions as conditions to any grant of planning permission to ensure that this development does not create harm to the character of the area.
- 7.13 Details of materials and landscaping would be considered at a reserved matters stage, and can be secured by condition. The existing hedge surrounding the site is considered to be beneficial to the appearance of the site within the street scene and provides a softer boundary to the site. It is important that this hedge is retained within any scheme for landscaping.
- 7.14 Highways**
- 7.15 The applicant proposes to create a new driveway access off the public highway, which would be 5m in width for the first 10m. The Local Highways Authority has been consulted and has stated that they raise no objections in principal to the application. Conditions are recommended to ensure that the proposal does not create impacts on highway safety. The proposal provides sufficient parking spaces for the proposed dwellings and therefore complies with policy COM8 of the Local Plan 2015. The details of access and parking remain unchanged from the previous application.
- 7.16 Ecology**
- 7.17 Policy ENV7 of the Local Plan 2015 seeks to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals. In accordance with the relevant policies within the local



plan and the NPPF, it is recommend that a condition requiring a scheme of biodiversity improvements is placed on any grant of permission. The request for biodiversity improvements is guided by the local plan policies which seek to deliver a net gain in biodiversity, proportionate to the scale of development proposed, by creating, restoring and enhancing habitats and enhancing them for the benefit of species. As this development is proposed on previously un-developed land, there is potential for disturbance, which could be overcome by the introduction of biodiversity improvements.

## 7.18 Flood Risk and Drainage

7.19 A scheme for the disposal of foul and surface water drainage can be secured by condition to ensure that a suitable scheme is proposed which prevents the increased risk of flooding and improves and protects water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.

## 7.20 Planning Balance

7.21 On balance, the variation complies with planning policy and would result in the provision of three additional dwellings to the local housing supply. The application is therefore recommended for approval.

## 8.0 APPENDICES

8.1 Recommended Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/01115/OUT	Catherine Looper	Catherine Looper
18/01572/OUT	Room No. 011	Planning Officer
18/00933/OUT	The Grange	01353 665555
	Ely	catherine.looper@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- Recommended Conditions**

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

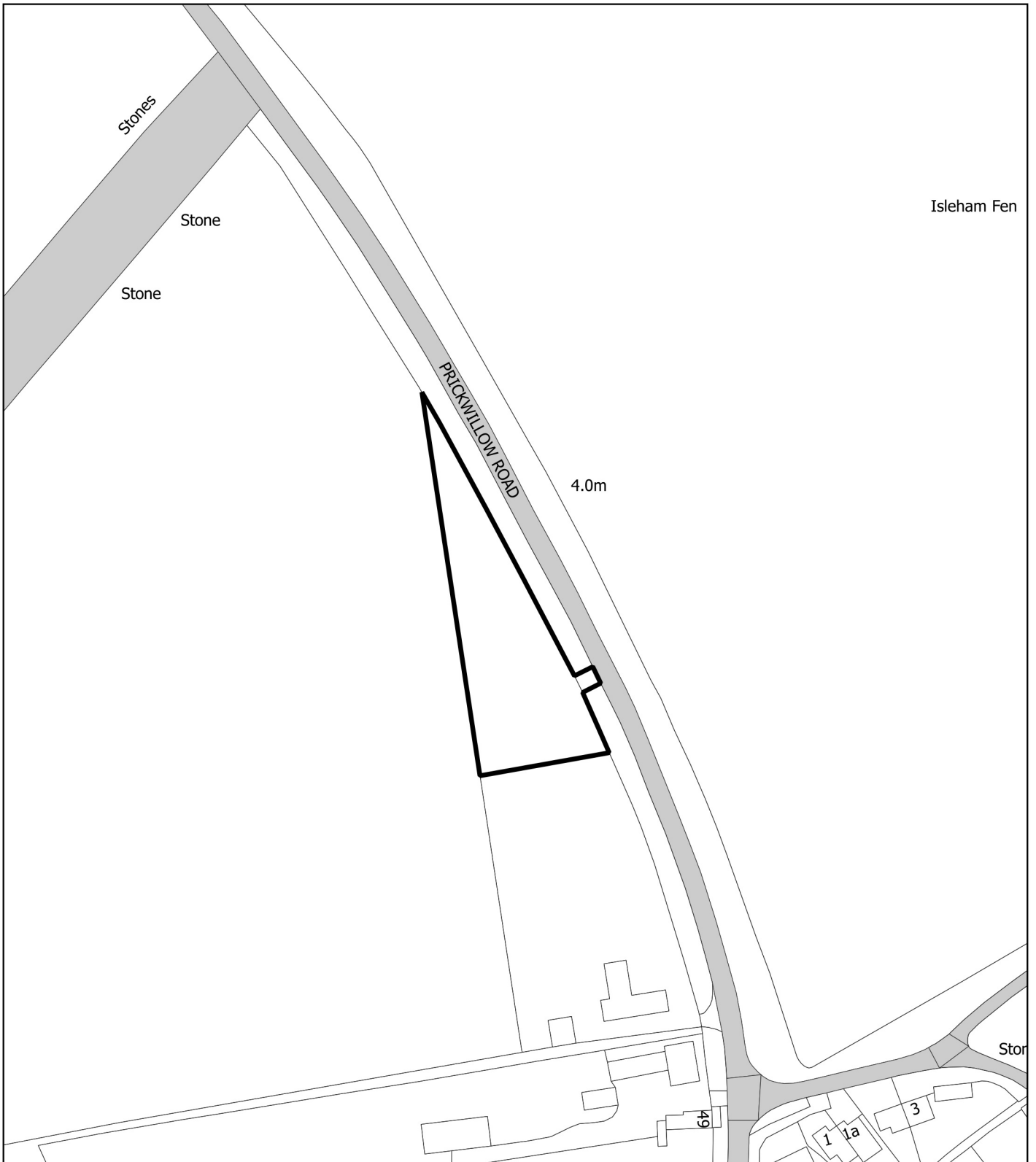
<u>Plan Reference</u>	<u>Version No</u>	<u>Date Received</u>
P-6150-03		5th August 2019
P-6150-02		5th August 2019
P-6150-01		7th October 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the appearance, landscaping and layout (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 - 18:00 each day Monday-Friday, 07:30 - 13:00 Saturdays and none on Sundays, Public Holidays or Bank Holidays.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 No above ground construction shall take place on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 Prior to first occupation or commencement of use a full schedule of all soft and hard landscaping 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, as well as details of hard surfacing materials and boundary treatments. 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.
- 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 access shall be a minimum width of 5m, for a minimum distance of 10m measured from the near edge of the highway carriageway and thereafter retained in perpetuity. No unbound material shall be used to form the driveway surface within 5m of the highway.
- 7 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 8 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on the approved plans.
- 8 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 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.
- 9 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 10 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.
- 10 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.
- 11 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.

- 11 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.
- 12 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation.
- 12 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.
- 13 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 windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the north, east and south elevation(s), without the prior written consent of the Local Planning Authority.
- 13 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 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 dwellinghouse, without the prior written consent of the Local Planning Authority.
- 14 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 Except as detailed on the approved plans and only for making provision for the approved access, no trees shall be pruned or removed/felled and no hedges shall be removed without the prior written approval of the Local Planning Authority
- 15 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 16 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.
- 16 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 17 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.

- 17 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.
- 18 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), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling, without the prior written consent of the Local Planning Authority.
- 18 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.



20/00286/VAR

55 Pound Lane  
Isleham



East Cambridgeshire  
District Council

Date: 18/05/2020  
Scale: 1:1,500



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## **Planning Performance – January 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>165</b>	<b>3</b>	<b>49</b>	<b>32</b>	<b>24</b>	<b>25</b>	<b>32</b>
<b>Determinations</b>	<b>173</b>	<b>6</b>	<b>57</b>	<b>41</b>	<b>18</b>	<b>23</b>	<b>28</b>
<b>Determined on time (%)</b>		<b>100%</b> (90% within 13 weeks)	<b>98%</b> (80% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>78%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)
<b>Approved</b>	<b>151</b>	<b>4</b>	<b>45</b>	<b>38</b>	<b>14</b>	<b>22</b>	<b>28</b>
<b>Refused</b>	<b>22</b>	<b>2</b>	<b>12</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>0</b>

<b>Open Cases by Team (as at 24/02/2020)</b>							
<b>Team 1 (2.5 FTE)</b>	<b>125</b>	<b>10</b>	<b>39</b>	<b>18</b>	<b>15</b>	<b>43</b>	<b>0</b>
<b>Team 2 (3 FTE)</b>	<b>117</b>	<b>11</b>	<b>37</b>	<b>14</b>	<b>17</b>	<b>38</b>	<b>0</b>
<b>Team 3 (3 FTE)</b>	<b>120</b>	<b>6</b>	<b>25</b>	<b>43</b>	<b>20</b>	<b>26</b>	<b>0</b>
<b>No Team (4 FTE)</b>	<b>135</b>	<b>12</b>	<b>49</b>	<b>5</b>	<b>17</b>	<b>11</b>	<b>41</b>

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

The Planning department received a total of 185 applications during January which is a 6% decrease on January 2019 (196) and 26% increase from December 2019 (147).

### **Valid Appeals received – 6**

15 Martins Lane Witcham – Delegated Decision  
 Site north of 196 -204 Main Street Witchford – Committee Decision  
 Site South of 10 Narrabeen Park Whitecross Road Wilburton – Delegated Decision  
 Site between 117 &119 Duchess Drive Newmarket – Delegated Decision  
 Site South West of 15 Bittern Grove Soham – Delegated Decision  
 47a High Street Cheveley Newmarket – Delegated Decision

### **Appeals decided – 8**

Land Rear Of 6 To 12 High Street Aldreth – Dismissed – Committee Decision  
 14 Second Drove Little Downham – Dismissed – Delegated Decision  
 103 Columbine Road Ely – Allowed – Delegated Decision  
 Gosling Cottage 165 The Street Kirtling Newmarket – Dismissed – Committee Decision  
 Land South Of Units 4 And 5 94A Hillrow Haddenham – Allowed – Delegated Decision

Site East Of Builders Yard Hod Hall Lane Haddenham – Dismissed – Delegated Decision  
63 Aldreth Road Haddenham Ely – Dismissed – Delegated Decision  
51 Cannon Street Little Downham – Allowed – Committee Decision

**Enforcement**

New Complaints registered – 33 (8 Proactive)

Cases closed – 30 (2 Proactive)

Open cases/officer (2.5FTE) –  $242/2.5 = 96.8$  per FTE (36 Proactive)



## **Planning Performance – February 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>189</b>	<b>4</b>	<b>49</b>	<b>51</b>	<b>27</b>	<b>28</b>	<b>30</b>
<b>Determinations</b>	<b>110</b>	<b>6</b>	<b>27</b>	<b>18</b>	<b>13</b>	<b>18</b>	<b>27</b>
<b>Determined on time (%)</b>		<b>100%</b> (90% within 13 weeks)	<b>96%</b> (80% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>92%</b> (90% within 8 weeks)	<b>56%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)
<b>Approved</b>	<b>100</b>	<b>5</b>	<b>23</b>	<b>17</b>	<b>11</b>	<b>16</b>	<b>27</b>
<b>Refused</b>	<b>10</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>0</b>

<b>Open Cases by Team (as at 16/03/2020)</b>							
<b>Team 1 (2.5 FTE)</b>	<b>129</b>	<b>10</b>	<b>36</b>	<b>21</b>	<b>18</b>	<b>44</b>	<b>0</b>
<b>Team 2 (3 FTE)</b>	<b>131</b>	<b>13</b>	<b>40</b>	<b>17</b>	<b>17</b>	<b>44</b>	<b>0</b>
<b>Team 3 (3 FTE)</b>	<b>127</b>	<b>6</b>	<b>21</b>	<b>47</b>	<b>25</b>	<b>28</b>	<b>0</b>
<b>No Team (4 FTE)</b>	<b>113</b>	<b>12</b>	<b>44</b>	<b>2</b>	<b>13</b>	<b>10</b>	<b>32</b>

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

The Planning department received a total of 198 applications during February which is a 22% increase on February 2019 (162) and 7% increase from January 2020 (185).

### **Valid Appeals received – 7**

Land Rear Of 46 Wisbech Road Littleport – Delegated Decision  
 Land North Of 190 Wisbech Road Littleport – Non-determination  
 Oneway Headleys Lane Witcham – Delegated Decision  
 58 Swaffham Road Burwell – Delegated Decision  
 5 Scotland End Chippenham – Delegated Decision  
 24 New Barns Road Ely – Delegated Decision  
 4A Perry Close Haddenham – Delegated Decision

### **Appeals decided – 2**

Land West Of 19 Station Road Fordham – Allowed – Delegated Decision - Appeal Decision  
Challenged  
 Site North East Of 2 Main Street Wardy Hill – Allowed – Delegated Decision

**Enforcement**

New Complaints registered – 25 (7 Proactive)

Cases closed – 20 (2 Proactive)

Open cases/officer (2.5FTE) –  $231/2.5 = 92.4$  per FTE (33 Proactive)

**Notices served – 3**

Land Northeast And Adjoining, 14A The Cotes, Soham x 2

38 Burghley Rise, Burwell

## **Planning Performance – March 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>151</b>	<b>4</b>	<b>39</b>	<b>37</b>	<b>19</b>	<b>32</b>	<b>20</b>
<b>Determinations</b>	<b>160</b>	<b>2</b>	<b>45</b>	<b>45</b>	<b>20</b>	<b>19</b>	<b>29</b>
<b>Determined on time (%)</b>		<b>100%</b> (90% within 13 weeks)	<b>98%</b> (80% within 8 weeks)	<b>96%</b> (90% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>84%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)
<b>Approved</b>	<b>142</b>	<b>2</b>	<b>35</b>	<b>44</b>	<b>14</b>	<b>18</b>	<b>29</b>
<b>Refused</b>	<b>18</b>	<b>0</b>	<b>10</b>	<b>1</b>	<b>6</b>	<b>1</b>	<b>0</b>

<b>Open Cases by Team (as at 15/04/2020)</b>							
<b>Team 1 (2.5 FTE)</b>	<b>112</b>	<b>8</b>	<b>31</b>	<b>12</b>	<b>8</b>	<b>53</b>	<b>0</b>
<b>Team 2 (3 FTE)</b>	<b>131</b>	<b>16</b>	<b>37</b>	<b>15</b>	<b>7</b>	<b>56</b>	<b>0</b>
<b>Team 3 (3 FTE)</b>	<b>112</b>	<b>6</b>	<b>19</b>	<b>43</b>	<b>18</b>	<b>26</b>	<b>0</b>
<b>No Team (4 FTE)</b>	<b>105</b>	<b>12</b>	<b>46</b>	<b>4</b>	<b>14</b>	<b>11</b>	<b>18</b>

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

The Planning department received a total of 185 applications during March which is a 7% decrease on March 2019 (198) and 7% decrease from February 2020 (198).

### **Valid Appeals received – 5**

3 Hall Lane Burwell – Committee Decision

Land Between 27 And 39 Sutton Road Witchford – Committee Decision

Upton House 2 Ely Road Littleport – Delegated Decision

Plot 2 Site South Of 18 Cross Green Dullingham – Delegated Decision

Part Of Paddock Ass With Dullingham Park Stud, Off Elm Close Dullingham – Delegated Decision

### **Appeals decided – 5**

3 Nunns Way Sutton Ely – Allowed – Delegated Decision

8 The Cotes Soham Ely – Dismissed – Delegated Decision

Land South Of 76 Low Road Burwell – Dismissed – Delegated Decision

Site West Of 39 Sutton Road Witchford – Dismissed – Delegated Decision

Site North East Of 2 Croft Park Road Littleport – Dismissed – Delegated Decision

**Enforcement**

New Complaints registered – 16 (0 Proactive)

Cases closed – 33 (3 Proactive)

**Notices served – 0**

## **Planning Performance – April 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>112</b>	<b>3</b>	<b>34</b>	<b>31</b>	<b>8</b>	<b>15</b>	<b>21</b>
<b>Determinations</b>	<b>145</b>	<b>11</b>	<b>45</b>	<b>36</b>	<b>18</b>	<b>12</b>	<b>23</b>
<b>Determined on time (%)</b>		<b>82%</b> (90% within 13 weeks)	<b>82%</b> (80% within 8 weeks)	<b>94%</b> (90% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>92%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)
<b>Approved</b>	<b>126</b>	<b>8</b>	<b>36</b>	<b>35</b>	<b>13</b>	<b>12</b>	<b>22</b>
<b>Refused</b>	<b>19</b>	<b>3</b>	<b>9</b>	<b>1</b>	<b>5</b>	<b>0</b>	<b>1</b>

<b>Open Cases by Team (as at 19/05/2020)</b>							
<b>Team 1 (2.5 FTE)</b>	<b>112</b>	<b>7</b>	<b>37</b>	<b>9</b>	<b>15</b>	<b>44</b>	<b>0</b>
<b>Team 2 (4 FTE)</b>	<b>142</b>	<b>12</b>	<b>35</b>	<b>23</b>	<b>18</b>	<b>54</b>	<b>0</b>
<b>Team 3 (3 FTE)</b>	<b>101</b>	<b>4</b>	<b>14</b>	<b>42</b>	<b>14</b>	<b>27</b>	<b>0</b>
<b>No Team (4 FTE)</b>	<b>101</b>	<b>8</b>	<b>39</b>	<b>3</b>	<b>12</b>	<b>14</b>	<b>25</b>

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

The Planning department received a total of 127 applications during April which is a 39% decrease on April 2019 (207) and 31% decrease from March 2020 (185).

### **Valid Appeals received – 7**

Site West of 22 Station Road, Dullingham (Full & LBC) – Delegated Decision

13 Church Street, Isleham – Delegated Decision

Land South of West Fen Road, West of A10 Ely Bypass, Ely – Delegated Decision

Land South West of Innisfree Bradley Road Kirtling – Delegated Decision

14A The Cotes, Soham – Enforcement Appeal

### **Appeals decided – 2**

14A The Cotes Soham – Dismissed – Committee Decision

15 Martins Lane Witchford – Dismissed – Delegated Decision

### **Enforcement**

New Complaints registered – 11 (0 Proactive)

Cases closed – 6 (0 Proactive)

Open cases/officer (2.5FTE) –  $243/2.5 = 97.2$  per FTE (31 Proactive)

**Notices served – 0**