



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

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

MEETING: **PLANNING COMMITTEE**

TIME: 1:00pm

DATE: **Wednesday 3rd November 2021**

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

ENQUIRIES REGARDING THIS AGENDA: Caroline Evans

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

MEMBERSHIP:

Conservative Members

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

Liberal Democrat Members

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

Independent Member

Cllr Sue Austen (Lead Member)

Substitutes:

Cllr David Ambrose Smith
Cllr Julia Huffer
Cllr Josh Schumann

Substitutes:

Cllr Charlotte Cane
Cllr Simon Harries
Cllr Christine Whelan

Substitute:

Cllr Paola Trimarco

Lead Officer

Rebecca Saunt, Planning Manager

Quorum: 5 Members

1. **Apologies and Substitutions** **[oral]**

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

3. **Minutes**
To receive and confirm as a correct record the Minutes of the Planning Committee meeting held on 6th October 2021.

4. Chairman's Announcements

[oral]

5. TPO/E/04/21

Confirmation of Tree Preservation Order E/04/21

Location: 84 Centre Drive, Newmarket

6. 21/00470/RMM

Reserved matters (including full details of the layout, scale, appearance and landscaping) in relation to the construction of 258 dwellings, 4 retail units, internal roads, cricket pavilion, open space and other associated infrastructure.

Location: Orchards Green Phase 2A, Land North of Cam Drive, Ely

Applicant: Vistry (East Midlands)

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QRUWACGG0CT00>

7. 21/00818/FUL

Proposed replacement staff welfare facility and staff accommodation unit.

Location: Amberlea Country Kennels and Cattery, Ely Road, Sutton

Applicant: Amberlea Country Kennels and Cattery

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QTQ2W0GGJA200>

8. 21/01178/FUL

New ducting system, odour control measures to existing A1/A3 use with ancillary hot food takeaway, revised opening hours and first floor flat, access, parking and site works.

Location: Deli@65, 65 High Street, Sutton

Applicant: Six and Five Developments

Public Access Link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QXK8X6GGM0P00>

9. Planning Performance Report – September 2021

NOTES:

1. Members of the public are welcome to attend this meeting. The Council has adopted a 'Purge on Plastics' strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
2. Fire instructions for meetings:
 - If the fire alarm sounds please make your way out of the building by the nearest available exit i.e. the back staircase or the fire escape in the Chamber. Do not attempt to use the lifts.
 - The fire assembly point is in the front staff car park by the exit barrier.
 - The building has an auto-call system to the fire services so there is no need for anyone to call the fire services.The Committee Officer will sweep the area to ensure that everyone is out.
3. The Council has a scheme to allow public speaking at Planning Committee. If you wish to speak on an application being considered at the Planning Committee please contact Caroline Evans, Democratic Services Officer for the Planning Committee caroline.evans@eastcambs.gov.uk, to register by 10am on Tuesday 2nd November. Alternatively, you may wish to send a statement to be

read at the Planning Committee meeting if you are not able to attend in person. Please note that public speaking, including a statement being read on your behalf, is limited to 5 minutes in total for each of the following groups:

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

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

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

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



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

AGENDA ITEM NO. 3

Minutes of a meeting of the Planning Committee held at 1:00pm on Wednesday 6th October 2021 in the Council Chamber at The Grange, Nutholt Lane, Ely, CB7 4EE.

PRESENT

Cllr Christine Ambrose Smith
Cllr David Ambrose Smith (Substitute for Cllr David Brown)
Cllr Sue Austen
Cllr Matthew Downey
Cllr Lavinia Edwards
Cllr Lis Every
Cllr Bill Hunt (Chairman)
Cllr Lisa Stubbs (Vice-Chairman)
Cllr John Trapp *from 1:30pm*

OFFICERS

Rebecca Saunt – Planning Manager
Maggie Camp – Legal Services Manager
Holly Chapman – Planning Officer
Tracy Couper – Democratic Services Manager
Caroline Evans – Democratic Services Officer
Toni Hylton – Senior Planning Officer
Jade Ling – Press Officer
Dan Smith – Senior Planning Officer
Angela Tyrrell – Senior Legal Assistant
Russell Wignall – Legal Assistant

IN ATTENDANCE

James Chilvers (Objector, Agenda Item 6 / Minute 40)
Barry Garwood (Objector, Agenda Item 6 / Minute 40)
Keith Hutchinson (Applicant's Agent, Agenda Item 6 / Minute 40)
Antony Smith (Applicant, Agenda Item 6 / Minute 40)

35. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Cllrs David Brown, Alec Jones and Gareth Wilson.

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

36. DECLARATIONS OF INTEREST

Cllr Christine Ambrose Smith stated that, as a Ward Member, she had commented favourably on Agenda Item 5 with respect to its potential for increasing local employment opportunities. She would however be viewing the application with an open mind.

37. MINUTES

The Committee received the Minutes of the meeting held on 1st September 2021.

It was resolved:

That the Minutes of the Planning Committee meeting held on 1st September 2021 be confirmed as a correct record and be signed by the Chairman.

38. CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked the Vice-Chairman for Chairing the previous meeting.

He reminded Members that applications considered at Committee were generally not straightforward and therefore site visits were extremely helpful. Consequently, Members were strongly encouraged to visit all sites between publication of the Agenda and the meeting date; mileage costs could be claimed as Member expenses. The situation would be reviewed in December with the expectation that formal site visits, travelling by bus, would be reintroduced from January 2022.

39. 20/01579/FUM – SITE NORTH OF UNIT 10, FARADAY ROAD BUSINESS PARK, LITTLEPORT

Dan Smith, Senior Planning Officer, presented a report (W79, previously circulated) recommending approval of an application seeking full planning permission for the erection of two blocks of business units in Use Class E(g) (formerly known as B1 use – Office, R&D and Light Industrial), B2 (General Industrial) and B8 (Storage and Distribution).

Members were informed that, in accordance with the Council's Constitution, the application had been referred to Committee for decision since the floor area of the development was in excess of 1000 sqm. The application sought permission for approx. 1250 sqm of buildings for flexible commercial uses on a site outside Littleport and within an existing business park with ongoing allocation for business use. The main body of the site comprised approx. 0.32 hectares of land between the existing units accessed from Wisbech Road, and a large storage building to the rear accessed from Henry Crabb Road. Various site plans, aerial photographs, block plans, elevations, and site photographs were shown to illustrate the site's position amongst industrial buildings, and the new proposed buildings' design and relationship with the existing business units. If approved, two linear blocks of accommodation would be constructed, with four units in the north-west block and six in the south-east block, each of which would face and be served by a central parking and turning area accessed from Wisbech Road.

The main considerations for the application were deemed to be:

- **Principle of development** – the proposed uses of the buildings were for employment, which was in accordance with the location of the site on an existing industrial business park that was allocated for employment use in a past Local Plan. The use class B1 had been incorporated within a new wider use class E which also included other uses such as retail, cafés and restaurants, and health centres. It was therefore considered necessary to restrict by planning condition the use of the proposed buildings to use

classes E(g) (rather than the broader class E), B2 and B8, in order to ensure that they remained in employment uses that were in accordance with the allocation.

- **Visual amenity** – the site was currently laid to grass and hardstanding and was surrounded by other industrial and commercial buildings on the existing business park. The buildings in the proposed development would be of a similar scale and character to the existing buildings on the business park and were therefore not considered to cause harm to the appearance of the area. Boundary fencing, whilst functional rather than aesthetic, would also be similar to the existing fencing on the park.
- **Neighbouring amenity** – although the site would be accessed between existing units, they were already in commercial use and therefore the additional vehicle movements were not considered to harm the amenity of the occupants of the existing units. The siting and scale of the proposed buildings would not overshadow or otherwise harm the amenity of the neighbouring properties. The proposed uses of the buildings for office space, research and development, industrial, and storage uses would not cause harm through noise given the existing uses in the surrounding area. In addition, having considered the potential for noise generation, the Environmental Health Officer had recommended planning conditions related to the construction phase and the hours of operation of machinery and plants once the site was operational. Consideration had been given to the concerns of the current occupants of nearby units. The Local Highways Authority had been satisfied that the additional traffic caused by the development would not cause a significant impact to the amenity of the neighbours.
- **Highway safety and parking** – the site would be accessed *via* an existing vehicle access onto Wisbech Road, with internal access running between existing units. Up to three existing parking spaces would be lost but parking for 28 vehicles would be provided (together with manoeuvring space for large vehicles), resulting in a net gain of 25 parking spaces. The Local Highways Authority was content that the site access and turning space would be sufficient and without harm to highway safety. A mix of uses with varying parking demands were proposed, therefore a planning condition had been agreed with the applicant to specify a maximum floor area for the uses that would generate more intensive parking demands, in order to ensure that there would be sufficient parking on-site in line with adopted parking standards.
- **Flood risk and drainage** – the site lay partially within Flood Zones 1, 2 and 3, but as a site already allocated for employment use the sequential test was passed. The proposed uses for the buildings were “less vulnerable” and therefore considered appropriate development in Flood Zone 2 and defended Flood Zone 3. A Flood Risk Assessment had been submitted with the application and the Environment Agency had no objections. Following an initial objection from the Lead Local Flood Authority with regard to drainage, further information had been provided regarding the drainage strategy which proposed underground tank storage to attenuate surface water drainage prior to discharge to the Internal Drainage Board. The objection was then withdrawn subject to a detailed drainage scheme and compliance with measures in the Flood Risk Assessment, which would be secured by a planning condition.

In summary, the proposed development was consistent with the allocation of the site for employment use. The impacts on the visual amenity, neighbours, highway safety, parking, flood risk and drainage were all considered to be acceptable and no significant harm had been identified. The energy efficiency of the development would be achieved by a planning condition requiring that the buildings be constructed to at least BREEAM “very good” standard. The application was therefore recommended for approval.

There were no public speakers for the application.

In response to questions from the Chairman, the Case Officer confirmed that the entire site lay within the employment allocation from a Local Plan predating 1995, and the sole reason for the application being considered at Committee-level was that the site area was in excess of 1000 sqm and therefore was required to be determined by Committee in accordance with the Council’s Constitution.

Cllr Christine Ambrose Smith asked whether there would be any cycle parking provision given the close proximity of the site to the town, although recognising the lack of dedicated crossing point on the A10. Referring to the block plan, the Case Officer highlighted an area allocated for that purpose and also drew Members’ attention to proposed planning condition 10 which required adequate cycle parking on-site.

The Chairman then opened the debate. Cllr Every expressed support for the proposal as a welcome addition to Littleport which would be beneficial to local businesses and local employment. She also thanked the Officer for his report and commented that it illustrated the quality of application achieved when Officers and applicants worked well together.

It was resolved unanimously:

That planning application ref 20/01579/FUM be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer’s report.

40. 21/00794/FUL – 14 THE AVENUE, BURWELL, CB25 0DE

Holly Chapman, Planning Officer, presented a report (W80, previously circulated) recommending approval of an application seeking planning permission for the construction of 2no. two-bedroom detached bungalows.

The Case Officer drew Members’ attention to the three responses that had been received since publication of the report and had been sent to them earlier in the week; objections from 16 and 17 The Avenue and a sustained objection from Burwell Parish Council. The main points addressed were increased traffic, safety of children playing on the roundabout, safety and width of the proposed access, removal of vegetation on the northern site boundary, impact on wildlife, drainage, appearance and impact on the street-scene, accuracy of the plans, overlooking, and overdevelopment. It was considered that all of these issues had already been addressed in the Officer’s report.

1:30pm Cllr John Trapp joined the meeting.

Members were shown various images including site plans, aerial photographs and site photographs, block plans, elevations, floor plans, and a CGI image of the proposals to illustrate the design of the proposed buildings and the site's location within the development envelope of Burwell as well as its relationship with its neighbours. In total, the site comprised approximately 0.1 hectares of garden land to the rear of 14 The Avenue, an area within Flood Zone 1 (lowest risk). It was not within a conservation area or near any Listed Buildings, Structures or Monuments. A water pump to the front of no. 14 was neither a listed structure nor designated as being a feature of special interest. A new dropped kerb and access was proposed from The Avenue to give a 3.05m wide access road widening to a shared turning area in front of the proposed bungalows and two parking spaces per new property. The potential for one off-road parking space for no. 14 would also be created and the existing right of way for no. 15 to access their rear garden would be retained through the rear garden of no. 14. The height of the proposed bungalows would prevent first floor accommodation and the removal of permitted development rights by way of a planning condition would prevent extensions and alterations, including extension into the roof space.

There was no available planning history for the site itself but Members were shown several relevant consents and applications in the immediate vicinity; a detached chalet bungalow at 17a The Avenue (approved June 2016), a detached bungalow at 25 Carter Road (approved May 2018, April 2019 and September 2021), two dwellings at 27 Carter Road (pending).

The main considerations for the application were deemed to be:

- **Principle of development** – the site lay wholly within the development envelope for Burwell, where the Local Plan sought to focus development. A contextual analysis of The Avenue and surrounding area had been included with the planning application and showed that traditionally “back-land” developments had been permitted near the application site; in this instance the Local Planning Authority would therefore be unreasonable to object to the principle of the development on the basis that it comprised back-land development. The proposal would be liable for the Community Infrastructure Levy (CIL) and the payment would be in line with policy GROWTH3 and the Developer Contributions SPD. The proposed development was therefore considered to comply with policies GROWTH2, GROWTH3 and GROWTH5 of the Local Plan 2015, the Design Guide SPD, the Developer Contributions SPD, and the Guidance within the National Planning Policy Framework (NPPF).
- **Residential amenity** – the proposed dwellings would be modest in scale and footprint and would be set off from the shared boundaries with 11 and 15 The Avenue. They were not considered to result in significant or detrimental overlooking, overshadowing, overbearing, or loss of light to 11 or 15 The Avenue or to the host dwelling no. 14. The removal of permitted development rights would prevent insensitive development which could give rise to overlooking of nearby properties. Private amenity spaces would be provided for both new dwellings, and the rear amenity space retained for no. 14 would exceed the stipulations of the Design Guide SPD. Although vehicle movements between no.s 11 and 14 would be increased, neither property had ground floor habitable windows facing the proposed access road, and existing closeboard fencing between the dwelling at no. 11 and the site access would provide screening. The use of gravel would also be

precluded *via* a planning condition in order to prevent noise and disturbance from vehicle movements. A Construction Environmental Management Plan (CEMP) and piling foundations planning condition would minimise disturbance during the construction phase. The proposed development was therefore considered to comply with policy ENV2 of the Local Plan 2015.

- **Character and appearance** – the plot sizes and the density of the proposals were comparable with existing development in the immediate area. The plot sizes exceeded the 300sqm minimum requirement in the Design Guide SPD, and at ~20% the plot coverage also bettered the maximum 33% plot coverage requirement. The design of the two proposed dwellings, together with the materials palette, was considered to represent a high quality, sympathetic and complementary development which would not be prominent within the street-scene of The Avenue. Plot 1 would be visible from the street-scene due to its position in relation to the access road, whereas Plot 2 would be screened from view by the existing properties along The Avenue. The proposed dwellings were not considered to result in visual harm to the character or appearance of the area and were therefore considered to comply with the Design Guide SPD, the NPPF, and policies ENV1, ENV2 and HOU2 of the Local Plan 2015.
- **Highways, parking and access** – sufficient parking and turning space for each of the two proposed dwellings would be provided, together with off-street parking for no.14 which currently did not benefit from a dropped kerb or off-street parking. The proposed dwellings would be served *via* a 3.05m wide access road from The Avenue with passing bays at either end. Right of access for no. 15 would be safeguarded and, due to the provision of level and bound access to The Avenue, would be enhanced. The Local Highways Authority had raised no objections to the proposal and Building Control had raised no concern with regard to Fire & Rescue Service access to the site. (A sprinkler system within the dwellings would be secured *via* planning condition as a safeguarding measure.) Recent planning history showed other approved properties with access widths of 2.5-3m, in particular the recently-constructed property at 17a The Avenue had a 2.5m wide access road. The proposals were not considered to result in any adverse highway safety concerns and the proposed development was therefore considered to comply with the NPPF and policies COM7 and COM8 of the Local Plan 2015.
- **Biodiversity and ecology** – the application site comprised residential garden land with areas of hardstanding and a line of established trees along the northern boundary; no loss of trees would be required to facilitate the development and consequently there would be no requirement to provide replacement trees. The honey locust tree subject to a Tree Preservation Order in the garden of no. 15 would be safeguarded during the construction phase and, following the re-location of parking spaces that had initially been proposed under the tree's canopy, the Trees Officer had no objections. Soft landscaping and biodiversity enhancement measures, including the provision of bat boxes, bird boxes and hedgehog holes, had been included within the proposals in order to achieve a significant biodiversity net gain. The proposed development was therefore considered to satisfy the requirements of policies ENV1 and ENV7 of the Local Plan 2015, and the Natural Environment SPD.
- **Flood risk and drainage** – the site lay wholly within Flood Zone 1, the area at lowest risk of flooding and where residential development should be

focussed. Soakaways within the rear gardens of the proposed dwellings would be used for surface drainage, as had previously been accepted for 17a The Avenue. For foul drainage, the proposed dwellings would be connected to the mains sewer, with details to be secured by planning condition. The proposed development was therefore considered to comply with policy ENV8 of the Local Plan 2015 and the Flood and Water SPD.

- **Other matters** – due to its residential use the site was considered to represent a low risk of contamination in accordance with policy ENV9. The application site was in a sustainable location and the properties would be constructed using hard-wearing and high-quality materials. Sustainable drainage measures and provision for a biodiversity net gain were also included in the proposal. Concerns had been raised by neighbours regarding the accuracy of the submitted plans, the description of the development, and the quantity of site notices erected. The Local Planning Authority were of the opinion that the plans and description were sufficiently accurate, and that notification and advertisement of the application had been in line with standard practice (direct notification of ten properties in The Avenue and Carter Road, and a site notice on the lamppost in front of 20 The Avenue adjacent to a pedestrian route to Martins Road).

In summary, the application site was a sustainable location within the development envelope for Burwell. The proposals would provide a high level of residential amenity and a safe and acceptable means of vehicular and pedestrian access whilst maintain the existing right of access for no. 15. The proposals were acceptable in terms of flood risk, drainage, climate change and contamination, and would provide a net biodiversity gain in addition to protecting the existing biodiversity within and around the application site. The application was considered to comply with the policies in the Local Plan 2015, the Supplementary Planning Documents, and the NPPF and was therefore recommended for approval.

The Chairman thanked the Officer for her report and invited James Chilvers and Barry Garwood, immediate site neighbours at 15 and 11 The Avenue, to address the Committee as objectors to the application. They highlighted their concerns as follows:

- Highway safety – the report mentioned that the narrow width of the access would discourage vehicles from travelling at speed but that did not address the concern, particularly for the shared pedestrian access to the rear of no. 15. A parking space for no. 14 was referenced but not shown on the plans, therefore there was concern that it could encroach on to the access and cause an obstruction.
- Density – the neighbouring properties referenced in the report to illustrate the density in the immediate area had centred on those with smaller gardens, rather than those with larger gardens to the east.
- Ecological impact – there would be disturbance of the wildlife and bats in the area and, although there were bats in the immediate area, no bat survey had been submitted.
- Noise – vehicles would be passing within 2m of the only access door for no. 11. There was only 3m between the building at no. 14 and the boundary fence belonging to no. 11, therefore access would be difficult and there would be no space for delivery vehicles to turn. The noise and fumes of passing and idling vehicles would be harmful to no.11 if they wanted to have their only door open.

- Overlooking – the new buildings would overlook 11 The Avenue, the terrace of 14-17 The Avenue, and properties on Carter Road to the rear of the site.
- Precedent – 17a The Avenue had been mentioned but since it was considered by residents to be a blight to the neighbourhood its precedence should not be considered favourably. The residents at 11 and 14-16 The Avenue had not been consulted regarding the plans for 17a; if they had been then they would have objected. Due to the angles of the gardens in relation to the dwellings, 17a could not be seen from the rear of its neighbours' properties whereas the proposed bungalows would be unavoidable from their immediate neighbours.
- Local housing requirement – 350 new homes in Burwell were already being built off Newmarket Road which was a more than adequate provision for the village. The location of the proposal under consideration was not suitable for development because of its narrow access and associated safety, especially for young children.

The Chairman then invited questions from Members for the objectors.

Cllr David Ambrose Smith questioned the lack of consultation that had been mentioned and James Chilvers clarified that the comment had been in reference to 17a The Avenue rather than the current application.

In response to a question from Cllr Edwards, James Chilvers explained that no. 15 had right of way across the rear of no. 14 and that this shared access was very regularly used by his young children and their friends as well as by the whole family on foot, with bicycles, and to move kayaks and wheelie bins to and from the rear garden. He was therefore very concerned about the safety of this becoming a shared vehicular access point.

Cllr Every commented that she had visited the site at midday and had found the street to be congested around the roundabout due to the parking arrangements. She asked whether this situation was worse outside standard working hours. James Chilvers agreed that the road could get very busy and that it was particularly difficult to get around the roundabout during weekends and evenings. He commented that there was limited parking available and the current residents of no. 14 often parked on the kerbside obstructing his driveway and access for couriers and delivery vehicles. Despite one property currently being unoccupied, the parking in the immediate vicinity was already at capacity.

The Chairman welcomed Cllr Trapp to the meeting and confirmed that he was satisfied that Cllr Trapp had been present for the majority of the item and was therefore able to participate in the debate and the voting. Cllr Trapp apologised for arriving late to the meeting, confirmed that he had visited the site that morning and had not experienced any difficulty driving around, and asked for clarification about the neighbouring properties and their gardens. James Chilvers explained that there was a mixture of single-storey and two-storey buildings, and that the gardens for the two-storey properties at 15-17 The Avenue were angled away from the houses such that, from the rear, each house had sight of their neighbour's garden rather than their own.

On the invitation of the Chairman, Keith Hutchinson (agent for the applicant) addressed the Committee. He thanked the Case Officer for her full and

comprehensive report and emphasised that the proposed development was not intended as a speculative venture; the applicant's brother lived at no. 14 and it was likely that their grandmother would occupy one of the proposed bungalows since there was a clear need for single storey dwellings in the village. The proposal was in accordance with the policies of the Local Plan regarding sustainable development within development envelopes of settlements with sufficient provision of facilities. He acknowledged that it would be a form of back-land development but the Design Guide SPD allowed for that where contextual information was provided, as detailed in paragraph 7.4 of the Officer's report. Following a pre-application discussion with Officers, the application had included a contextual analysis of The Avenue and surrounding area. Regarding the impact of the development on the immediate area, Members' attention was drawn to the property at 17a The Avenue as well as other similar developments in the vicinity as shown on the block plan. The hedges and trees would be retained and the bungalows were modest in scale and proportion whilst having appropriate amenities. There would be no overlooking or overbearing since they were both single-storey with a shallow roof. In terms of the access road, it would be constructed of a bound material to reduce noise and there would be likely to be fewer than 14 traffic movements per day, therefore there would be no adverse effects. Adequate parking and turning would be provided, the Local Highways Authority had no objections, and the Cambridgeshire Fire & Rescue Service had not commented. The development would be in keeping with its surroundings and there were no policy or technical reasons for refusal.

There were no questions from Members for the applicant's agent.

The Democratic Services Officer then read aloud the following statement supplied by Ward Member Cllr David Brown:

"Dear Chairman and Members,

My apologies that I cannot be with you this afternoon. I ask that you take the following comments into account when discussing Agenda item 6, 21/00794/FUL, the proposed erection of two private detached dwellings to the rear of 14 The Avenue, Burwell.

I ask Committee to refuse this application.

My primary reason for asking you to refuse this application is the fact that the access road is too narrow to meet the requirements of Building Regulations. Just because the Fire and Rescue Service has not responded to requests for comment should not, in my opinion, be taken to mean that the Fire and Rescue Service is content with the design and layout. I am concerned that the narrowness of the access road puts the safety of people including the neighbours, who have pedestrian rights along the access road, at risk.

I do not believe that Committee should be overriding the requirements of the Building Regulations, they are there for a reason.

I also understand and share the concerns of local residents and Burwell Parish Council and ask you to take their objections into consideration when debating the application.

Thank you for your time and please refuse this application."

The Case Officer had no further comments; the Chairman therefore invited questions from Members.

Cllr Trapp asked for further clarification regarding the parking arrangements for the proposed dwellings and for 14 The Avenue. Referring to the block plan, the Case Officer highlighted the two car parking spaces per proposed bungalow and the proposed cycle parking which could be reached *via* the side access for each property. Regarding the parking for no. 14, she explained that there was currently no dropped kerb or on-site provision, instead the residents parked on the roundabout in common with neighbouring properties. It was considered that the design of the proposed development and provision of a dropped kerb would provide sufficient space for one vehicle to park on-site for no. 14. In response to Cllr Trapp's observation that the garden space for no. 14 would be greatly reduced, the Case Officer accepted that it would be a notable reduction but explained that this size had been accepted at 17a The Avenue, and at 60 sqm it would exceed the minimum acceptable size of 50 sqm.

Following the concerns raised in Cllr Brown's earlier statement, Cllr Downey asked about the lack of response from Cambridgeshire Fire & Rescue Service. The Case Officer explained that they had been consulted three times but had not received a reply, she had therefore deferred to Building Control who had stated that they would not object to the access on fire access and safety grounds. A planning condition was also proposed regarding the provision of sprinklers in the bungalows in order to address fire safety concerns. The Planning Manager added that sprinklers were not usually required by condition but in this case were proposed in recognition that it was a constrained access; a similar planning condition had previously been used in applications for similar sites.

Cllr David Ambrose Smith asked how the height of the proposed bungalows compared to the height of the existing neighbouring bungalow at 11 The Avenue. Referring again to the submitted block plan, the Case Officer informed Members that the ridge heights of the proposed bungalows would be 1.81m below the ridge height of no. 11, 3.92m below the ridge heights of no.s 14-17, and 2.05m below that of no. 17a.

The Chairman then opened the debate.

Cllr Downey stated that he considered the application to be a sensible proposal wholly within the development envelope of the village. Regarding highway safety and access, the proposal was for two bungalows each with two parking spaces and was therefore within policy, and Building Control had stated that the access arrangements would be satisfactory. Concerns regarding overlooking and privacy were not credible since the proposed dwellings would be low, screened by a fence, and with a planning condition to prevent conversion or extension for a second floor. He therefore proposed approval of the application since there were no substantive planning reasons to refuse it. When asked by the Chairman whether he had visited the site, he stated that he had not. Cllr Christine Ambrose Smith added that, although she had not visited the site, the Officer's report together with the plans and photographs showed that there would be little harm from two modest and discreet bungalows that would be likely to appeal to older residents.

Cllr Edwards proposed refusal of the application due to the Parish Council's comments, the issues raised in Cllr Brown's submitted statement, the views of the local residents, and general concern in the area. 17a The Avenue had been referred to several times but was a single dwelling, rather than two properties as proposed for this site, and was therefore not comparable.

Cllr Every commented that having visited the site she had concerns about the access and, whilst she understood that the development included an opportunity for additional parking for no. 14, there was no guarantee that it would be used. She therefore supported Cllr Brown's call-in reason that the proposals would be detrimental to highway safety given the number of dwellings proposed.

Cllr Trapp queried whether a condition could be imposed regarding the parking provision for no. 14. The Case Officer replied that the land was within the red line for the application and a condition could therefore be included but she reminded Members that the application included a new access for the property which currently had no allocated parking provision. The Planning Manager added that the proposed development could not be held accountable for the existing parking situation. Two parking spaces would be provided for each proposed dwelling and no existing parking spaces were being removed. Cllr Trapp added that he had visited the site and, although he understood that two dwellings could be considered to represent slight overdevelopment, they would both be modest in size with a low ridge height. He seconded Cllr Downey's motion to approve the proposal.

With no further Members wishing to speak, the Chairman stated his perspective. Having visited the site on a Saturday afternoon he found the approach to be very tight with a large number of parked vehicles, and consequently felt that there would be a cumulative effect on the traffic situation if more properties were added. He considered that the proposal would lead to overdevelopment and would affect the character and appearance of the area. The access between the existing houses was severely restricted and he had sympathies for the resident at no. 11 should the development go ahead. He also noted the significant loss of amenity that would occur to no. 14 when considering the proposed remaining rear outside space as compared with its existing plot.

Upon being put to the vote, Cllr Downey's motion to approve the application was lost with 4 votes in favour, 5 votes against, and 0 abstentions.

Cllr Edwards confirmed her earlier proposal to refuse the application on the grounds of the access road being too narrow, the proposed development representing overdevelopment and being out of character for the area and street-scene, the parking issues on the street, and the amenity loss to 14 The Avenue. Cllr Every seconded the motion. The Planning Manager reiterated that the Local Highways Authority had not objected to the planning application, and that the existing parking arrangements would not be valid planning reasons for refusal and that the application proposed two parking spaces for each proposed dwelling, in accordance with policy. Cllr Edwards, with the agreement of Cllr Every, revised the motion to propose three reasons for refusing the application; overdevelopment, being out of character for the local area, and restricted access.

It was resolved, with 5 votes in favour, 4 votes against, and 0 abstentions:

That planning application ref 21/00794/FUL be REFUSED on the grounds that it would constitute overdevelopment, would be out of character for the local area, and would have restricted access.

41. PLANNING PERFORMANCE REPORT – AUGUST 2021

Rebecca Saunt, Planning Manager, presented a report (W81, previously circulated) summarising the performance of the Planning Department in August 2021. She drew Members' attention to the high case load and emphasised that Officers were all dealing with more applications than had been the norm. Two appeals had been dismissed and a third was due to be heard at an appeal hearing on 9th November. The outstanding appeal related to a delegated decision to refuse permission for an agricultural worker's dwelling at Hurst Farm, West Fen Road, Ely. This had in turn been a resubmission of a previous application that had been refused at Committee. Enforcement complaints were lower than for 2020 which reflected the department's early and proactive engagement in ensuring compliance with planning conditions.

The Chairman emphasised the impact of COVID-19 on the work of the department and the pressure that the Planning Officers were under. He thanked them for their hard work, excellent performance and the department's good management.

It was resolved:

That the Planning Performance Report for August 2021 be noted.

The meeting concluded at 2:33pm.

TPO/E/04/21

84 Centre Drive
Newmarket

Confirmation of Tree Preservation Order E/04/21



**East Cambridgeshire
District Council**

Town and Country Planning Act 1990
Town and Country Planning
(Tree Preservation) (England)
Regulations 2012

**TREE PRESERVATION
ORDER**

No. E/04/21

84 Centre Drive
Newmarket
Suffolk
CB8 8AW

T1 - Walnut

PLANNING SERVICE

The Grange, Nutholt Lane, Ely, Cambs CB7 4EE
R. Saunt, Planning Manager

The tree locations are indicative and
may not reflect the exact locations



Date: 24/09/2020

Scale: 1:543

© Crown copyright.
All rights reserved 100023279 (2021)



MAIN CASE

Proposal: Confirmation of Tree Preservation Order E/04/21
Location: rear garden of 84 Centre Drive Newmarket CB8 8AW.
Applicant: N/A
Agent: N/A
Reference No: TPO/E/04/21
Case Officer: Kevin Drane, Trees Officer
Parish: Cheveley

Ward: Woodditton
Ward Councillors: Councillor Amy Starkey
Councillor Alan Sharp

[W88]

1.0 **THE ISSUE**

1.1 To confirm a Tree Preservation Order (TPO) for one tree in the rear garden of 84 Centre Drive Newmarket Suffolk CB8 8AW. This matter is being referred to Committee due to objections received in the 28 days consultation period, which ended on 13th August 2021, and for the requirement to confirm the TPO within six months to ensure the trees are protected for public amenity.

2.0 **RECOMMENDATIONS**

2.1 It is recommended that:

The TPO is confirmed, for the following reasons: The tree is a prominent specimen, visible from the public realm, in good health and it offers a significant visual contribution to the amenity of the local landscape in this part of Newmarket.

3.0 **COSTS**

If a TPO is made and confirmed, then subsequent applications made for tree works would carry with them an opportunity to claim compensation if, as a result of the Council's decision, the applicant suffers any loss or damage within 12 months of that decision being made.

4.0 **BACKGROUND**

- 4.1 The Order was made following a receipt of a planning consultation request relating to application 21/00799/OUT (new residential dwelling to the rear of 84 Centre Drive) and the tree officers site visit arising from this.
- 4.2 The TPO was served under Section 201 of the Town & Country Planning Act 1990, on 13th July 2021 because:
- The tree was assessed to have significant amenity value, as it makes a significant visual contribution to the local landscape in this part of Newmarket.
- 4.3 An objection to the serving of the TPO was received in writing from the tree owner during the statutory consultation period. The letters of objection are in Appendix 1. The details of the objection were:
- The tree is in a poor state and has been for many years. It has been neglected is poorly shaped and covered in ivy.
 - The tree has been in this poor condition for many years and no one has previously shown any concern for it.
 - The TPO may be invalid as it requires the tree to be visible from a public place. As the tree is approximately 50m back from the road only the top third of the tree is visible from the road.
 - The application states the tree is of “significant public amenity”, but fails to state exactly what this ‘significant amenity’ is.
 - Attempt by neighbours to block our planning application and one of the reasons for refusing outline planning.
- 4.4 Support for the protection of the TPO tree was received during the consultation for the planning application. The documents are in Appendix 2.
- 4.5 Given the comments received, including the objections, and also the public interest in serving of the TPO, it was considered appropriate for the Planning Committee Members to consider all the comments received and reach a democratic decision on the future protection of the single TPO tree.

5.0 **CONCLUSIONS**

- 5.1 As part of the process for making the new TPO the tree was assessed relating to its current condition and no issues were noted relating to the foreseeable failure of the tree and there was no visible indication that the tree is in poor health. The presence of ivy on its stem is of little concern and could be removed or severed as further protection of the tree’s stability. The tree has a natural shape that has been unaltered by pruning with no defects visible.
- 5.2 There is no evidence of the tree being in poor condition beyond the presence of ivy on its trunk and extending into the crown which can be simply solved.

- 5.3 Whilst determining if the tree is of sufficient amenity value or not is to some extent subjective, this tree is visible from the public highway with only the lower trunk obscured (less than half the total height of the tree). The Trees Officer remains of the opinion that the tree makes a visual contribution to the local landscape, the amenity and character of the area.
- 5.4 Amenity is a subjective term open to individual interpretation. The Act does not define 'amenity' nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. A public amenity can be described as a feature which benefits and enhances an area contributing to the areas overall character for the public at large. In this case the tree is large and is visible from the public highway as well as many neighbouring gardens as illustrated in the comments received regarding the tree in relation to the planning application and is considered to benefit the area in relation to its contribution to the landscape and therefore is considered a significant public amenity.
- 5.5 Planning application 21/00799/OUT was refused on 3 grounds:
- Cramped and contrived form of back land development which was at odds with the prevailing pattern of development in the vicinity, appearing cramped and overly dense, resulting in overdevelopment of the site.
 - Insufficient biodiversity information submitted to show how a net gain could be achieved.
 - No arboricultural information submitted to demonstrate that the proposal would not be harmful to trees on the site, including the mature Walnut tree, the subject of this TPO.

The one ground in relation to the tree, was due to a lack of information being submitted with the application. The presence of a TPO does not stop development as planning approval can override a TPO, what it does do is ensure that quality trees are suitably considered as part of any future development and ensure their protection should any development be permitted in proximity to a TPO tree that does not require its removal. However, it should be noted that the application was not refused solely on that basis as set out above.

- 5.6 Any potential future owner of the property would be informed of the presence of the TPO as part of a land search and it is also a legal duty to inform the purchaser of the presence of a TPO. This allows any potential purchaser the option to decline the purchase of the property or request a professional assessment of the tree prior to finalising the purchase.
- 5.7 If the Planning Committee decide not to confirm the TPO, the TPO will lapse and the owner can then remove the tree or prune it if they wished to, without any permission required from the Council.

6.0 **APPENDICES**

Appendix 1 - Letters of objection to the TPO from the tree owner.

Appendix 2 - Emails supporting the value of the TPO tree, received in response to the consultation relating to planning application 21/00799/OUT.

Appendix 3 – Documents:

- ECDC TPO Assessment Sheet
- Copy of the TPO/E/04/21 document and Formal Notice documents

Background Documents

Location(s)

Contact Officer(s)

Town & Country Planning Act 1990
Town & Country Planning (Tree
Preservation) (England) Regulations
2012
National Planning Policy Guidance from
6th March 2014
<http://planningguidance.planningportal.gov.uk/blog/guidance/tree-preservation-orders/how-are-offences-against-a-tree-preservation-order-enforced-including-tree-replacement/>

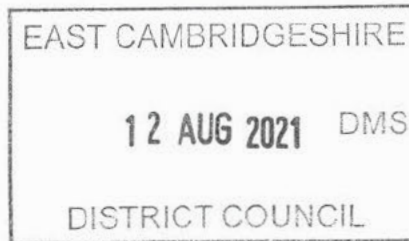
Kevin Drane,
Trees Officer
Room No. 002
The Grange
Ely

Kevin Drane
Trees Officer
01353 665555
kevin.drane@eastcambs.gov.uk

East Cambridgeshire District Local Plan
2015

[REDACTED]
4 Gravel End Lane
Coveney
CB62DN

9th August 2021



Dear Sir,

RE: TPO/E/04/21 Walnut Tree - 84 CENTRE DRIVE, NEWMARKET

We are the new owners of No84. We write to strongly object to the recent TPO that has recently been applied to the walnut tree in our back garden. We object on the following grounds:

1. The TPO was only placed after our Outline planning application (21/00799/OUT) was submitted. The TPO, although not yet confirmed and still going through the 6 month consultation period has been one of the reasons given for refusing outline planning.
2. The tree is in a poor state and has been for many years. It has been neglected, is poorly shaped and covered in ivy. Please see enclosed photo#1
3. Considering the tree has been in this state for many years and no-one has shown any concern for it, we believe this is clearly an attempt by neighbours to block our planning application rather than showing any concern for the tree.
4. The application may be invalid as it requires the tree to be viewable from a public place. As the tree is approx 50m back from the road only the top third of the tree is viewable from the road. Please see enclosed photos #2 & #3 taken from the road.
5. The application states the tree is of "significant public amenity" but fails to state exactly what this 'significant amenity' is. As mentioned, it is not fully viewable from a public place and is in a poor state. There has been no historical interest from anyone about the state of the tree.

We offered to discuss alternative planting, to compensate for the loss of the tree, with the planning department (email from our architect Steven Norfield 03/8/21) but they showed no interest.

We are in the process of obtaining an arboreal report and have engaged a planning solicitor who will be in touch shortly. Please ensure we are included in any further discussion regarding our tree.

Yours sincerely,

[REDACTED]

[REDACTED]

#1 Walnut Tree

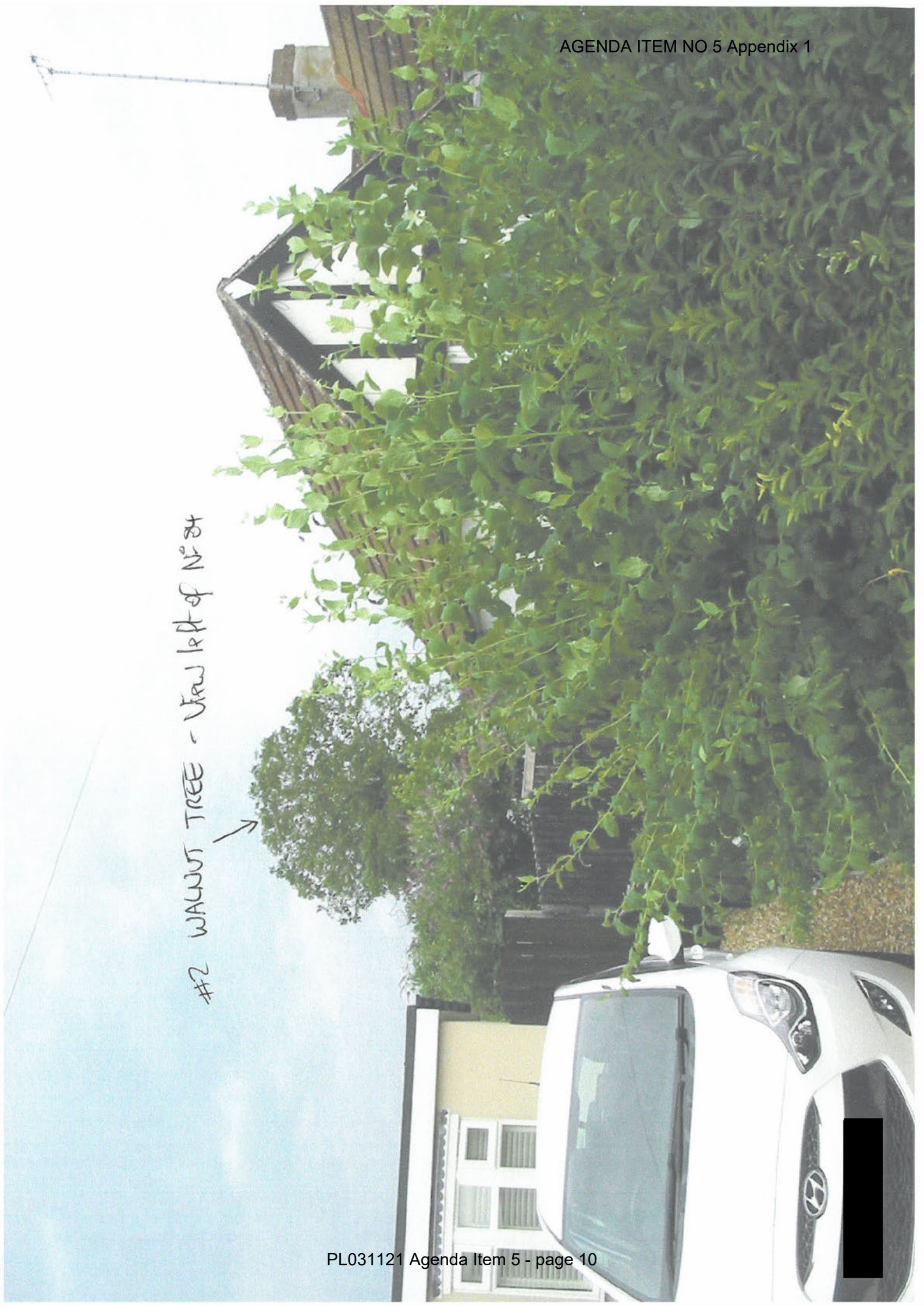
AGENDA ITEM NO 5 Appendix 1



#3 Walnut Tree - View right of N.R.84



#2 WALNUT TREE - View left of N° 84



[REDACTED]
To: [Kevin Drane](#)
Subject: [EXTERNAL] TPO/E/04/21 84 CENTRE DRIVE, NEWMARKET
Date: 04 September 2021 08:51:52

Caution: External email. Do not click links or open attachments unless you recognise the sender and know the content is safe. The original sender of this email is [REDACTED]

Dear Kevin,

Thank you for your letter 27th Aug. We do not wish to withdraw our objection. We note your comments particularly item4 regarding visibility. You mention the tree '**...does not have to be visible from a public place...**' Please see the extract from the pdf on the Government website on 'Tree Preservation Orders: A Guide to the law and good practice' Specifically Page 10, Chapter 3.2: Amenity

...“The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath...”

And Chapter 3.3(1) Visibility:

(1) visibility: the extent to which the trees or woodlands can be seen by the general public will inform the LPA's assessment of whether its impact on the local environment is significant. If they cannot be seen or are just barely visible from a public place, a TPO might only be justified in exceptional circumstances;

The pdf can be found at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/14956/tposguide.pdf

As our tree is only partly visible (top 1/3) from a public place it does, therefore, have bearing on the TPO. I would like to know what '**exceptional circumstances**' prevailed in making your decision. Visually the tree is very poor and I question the assertion it has '**...significant public amenity...**' and must question how you arrived at these conclusions.

As per the guidance I would therefore like to see a copy of your method for assessing the 'amenity value' of the tree and how you used the method to calculate our tree's amenity value. I am still awaiting the arboreal report and will forward you a copy once I have it.

I am still willing to discuss alternative planting options to compensate for the removal of the Walnut tree if the TPO is removed. I am happy to purchase several new walnut trees from Barchams' to fit into our planting plan and I'm more than happy to meet you to discuss a way forward.

Kind Regards,

[REDACTED]
Sent from [Mail](#) for Windows

Tree excerpts from Comments relating to planning application 21/00799/OUT

2 The Shrubberies, Newmarket, Suffolk CB8 8JD

Loss of a very mature walnut tree in the garden of the existing bungalow.

4 The Shrubberies, Newmarket, Suffolk CB8 8JD

Also the garden includes many mature shrubs and trees including a very large and very much alive walnut tree.

82 Centre Drive, Newmarket, Suffolk CB8 8AW

It would also require the removal of at least 1 significant tree.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Postal Address/Location		84 Centre Drive Newmarket Suffolk CB8 8AW	
Date:	8th July 2021	Surveyor:	Kevin Drane

DESCRIPTION OF TREE(S) – Please continue on separate sheet if needed		
Category	Description (incl. species)	Situation
Tree	Walnut tree – large mature specimen in garden location	Located in rear garden as per plan

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

** Relates to existing context and is intended to apply to severe irremediable defects only*

Score & Notes 3 Ivy shrouded but could be removed or cut and killed

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

**Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

Score & Notes 4 can live to 150 yrs currently 60-80 yrs approx

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes 3
Large tree views limited to crown only from road

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes 1 the trees form is typical for species

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. S.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes 5 current planning app indicates the trees removal though no assessment or mention of tree provided

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible just
- 16+ Definitely merits TPO

**Add Scores for
Total: 16**

Decision: serve TPO as score is sufficient

Dated: 13th July 2021

TPO/E/04/21

=====
TOWN AND COUNTRY PLANNING ACT 1990
=====

TREE

PRESERVATION

ORDER

Relating to: - 84 Centre Drive Newmarket Suffolk CB8 8AW

=====
Printed and Published by:
East Cambridgeshire District Council The Grange Nutholt Lane Ely Cambs CB7 4EE
=====

ORDER.TPO

**TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012**

TREE PRESERVATION ORDER

**Town and Country Planning Act 1990
The Tree Preservation Order at 84 Centre Drive Newmarket Suffolk CB8 8AW ,
TPO/E/04/21 2021**

The East Cambridgeshire District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the Tree Preservation Order at 84 Centre Drive Newmarket Suffolk CB8 8AW , TPO/E/04/21 2021

Interpretation

2. (1) In this Order “the authority” means the East Cambridgeshire District Council
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to exceptions in regulation 14, no person shall-
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

**SCHEDULE
SPECIFICATION OF TREES**

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Walnut Tree	Located in rear garden as per plan

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on map	Description	Situation
	NONE	

Groups of trees
(within a broken black line on the map)

Reference on map	Description (including number of trees in the group)	Situation
	NONE	

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
	NONE	



East Cambridgeshire
District Council

Town and Country Planning Act 1990
Town and Country Planning
(Tree Preservation) (England)
Regulations 2012

**TREE PRESERVATION
ORDER**

No. E/04/21

84 Centre Drive
Newmarket
Suffolk
CB8 8AW

T1 - Walnut

PLANNING SERVICE

The Grange, Nutholt Lane, Ely, Cambs CB7 4EE
R. Saunt, Planning Manager

The tree locations are indicative and
may not reflect the exact locations



Date: 24/09/2020

Scale: 1:543

© Crown copyright.
All rights reserved 100023279 (2021)



21/00470/RMM

Orchards Green Phase 2A

Land North Of

Cam Drive

Ely

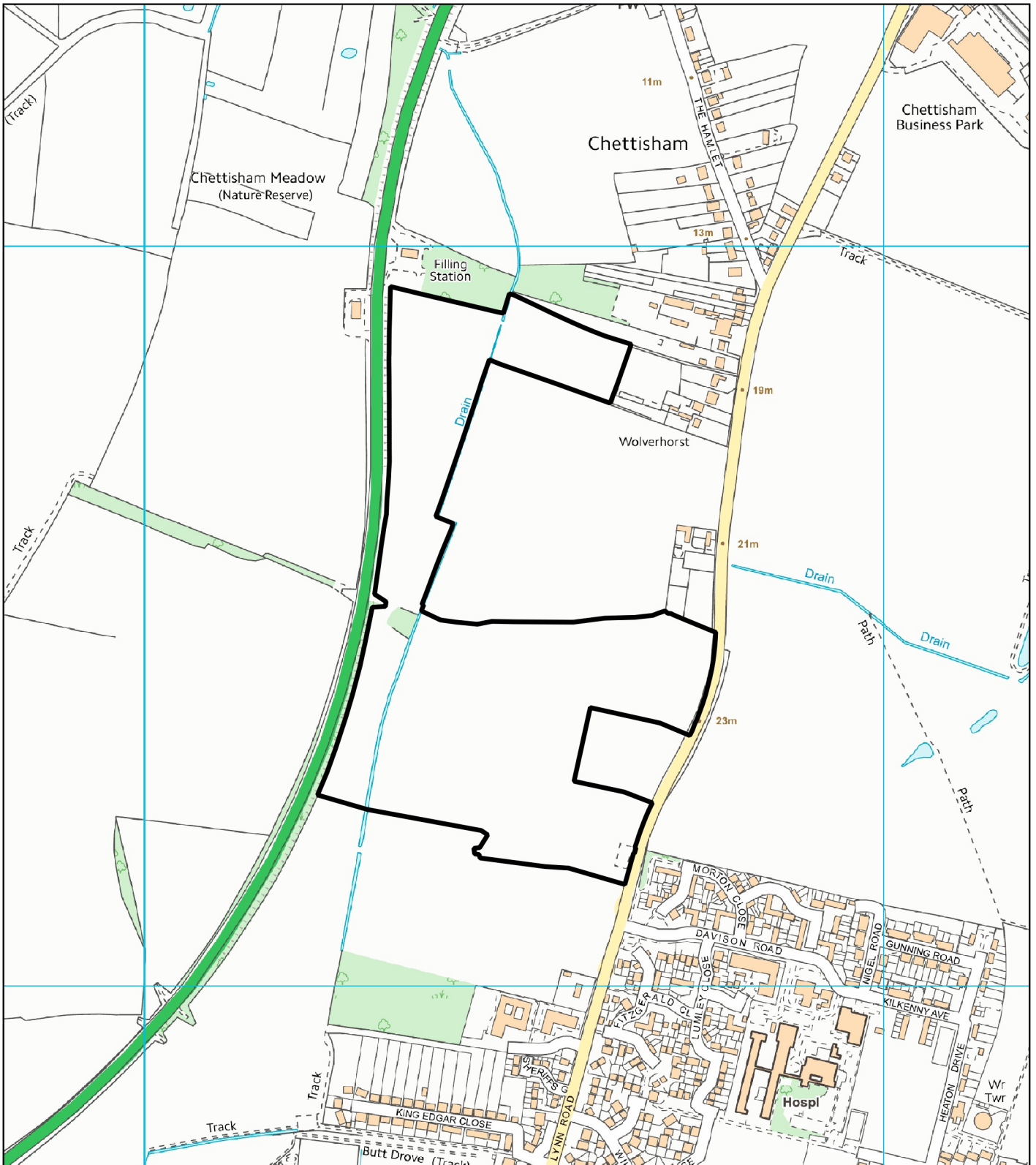
Cambridgeshire

Reserved matters (including full details of the layout, scale appearance and landscaping) in relation to the construction of 258 dwellings, 4 retail units, internal roads, cricket pavilion, open space and other associated infrastructure

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QRUWACGG0CT00>





21/00470/RMM

Orchards Green Phase 2A
Land North of Cam Drive
Ely



East Cambridgeshire
District Council

Date: 21/10/2021
Scale: 1:7,500



© Crown copyright.
All rights reserved 100023279 (2020)

MAIN CASE

Reference No: 21/00470/RMM

Proposal: Reserved matters (including full details of the layout, scale appearance and landscaping) in relation to the construction of 258 dwellings, 4 retail units, internal roads, cricket pavilion, open space and other associated infrastructure

Site Address: Orchards Green Phase 2A Land North Of Cam Drive Ely Cambridgeshire

Applicant: Vistry (East Midlands)

Case Officer: Angela Briggs Planning Team Leader

Parish: Ely

Ward: Ely North
Ward Councillor/s: Simon Harries
Alison Whelan

Date Received: 16 April 2021 **Expiry Date:** 12th November 2021
Report Number W89

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
- 3 Sample materials
- 4 Soft and hard landscaping implementation
- 5 Landscape maintenance
- 6 Details of the Trim Trail play areas
- 7 Tree protection
- 8 Biodiversity
- 9 Street furniture
- 10 Sample panel
- 11 Cricket pitch netting
- 12 Mechanical plant noise limits
- 13 Solar panels
- 14 Standard estate road construction
- 15 Soft fruit trees

- 16 Details of dormer windows
- 17 Electric charging points
- 18 Sash windows

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks reserved matters approval for details of appearance, landscaping, layout and scale for the construction of 258 dwellings, 4no. retail units, internal roads, cricket pavilion, open space and other associated infrastructure, to the north of Cam Drive and the west of Lynn Road. This would be the third phase of development on the wider site as part of the Endurance Estates outline consent, although technically it is Phase 2 (A), in accordance with the phasing Plan, approved as part of the outline application. Phase 2 (B) would constitute a separate application for the extra care facility. The site forms part of the wider North Ely scheme (Ref: 13/00785/ESO) for residential led development of up to 1,200 homes with associated employment and community uses (including a care home, extra care home), supporting infrastructure, and open space/landscaping, granted in June 2016, following completion of the S106 agreement.
- 2.2 The applicant intends to construct 258 dwellings, including 46 affordable dwellings (18%) in accordance with the S106 Legal Agreement. The application would also bring forward a cricket pavilion, and associated sports pitches, 4no. retail units (with residential above) and the remaining green edge alongside the A10. The application is accompanied by a full suite of supporting documents and plans.
- 2.3 The applicant is required to comply with a number of conditions attached to the outline planning permission prior to commencing work on site.
- 2.4 Amended plans have been received during the course of the application dealing with a number of concerns relating to design and layout, house type designs (including the commercial blocks), drainage, internal road layout, landscaping (as a result of the amended design and layout), cricket pavilion design, and refuse strategy plan. The amended design plans also address the concerns relating to noise impacts for plots 135, 136, 138, 146 and 147. The noise impact for plots 137 and 145 have been partially addressed and this will be discussed in further detail in this report.
- 2.5 The application is based on a number of parameter plans and the relevant Design Codes approved as part of the outline planning permission. These address Land Use, Urban Design Framework (including building heights), Access, landscape and Open Spaces, Play Provision and Density by Character Areas. The character areas that are relevant to this phase are Orchard View, Orchard Barn, Two Mills and Long Fen (the green edge alongside the A10).
- 2.6 The proposal has been the subject of extensive pre-application discussions over the past 3 years where Officers have worked with the developer to shape the scheme alongside the approved SPD and Design Code documents. Vistry (formerly known as Linden Homes) presented the scheme to the Cambridgeshire Quality Design Panel on 2nd September 2019, during the very early stages of the design evolution, where the design at that time was discussed in depth and Members of the panel

were able to debate on the scheme. The proposal received some mixed feedback from this meeting, which were taken on board by the developer to shape the scheme. The last pre-application scheme was submitted at the beginning of 2021 where we saw some positive changes to the scheme, although the scheme did not include any detailed landscaping plans. Further feedback was given, which included comments from the Council's Urban Design consultant (Chris King – Place Services) who is familiar with this phase and has been involved at the very early stages of the design evolution. These comments have been fed back into the scheme which resulted in the original submission.

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

3.0 PLANNING HISTORY

3.1 The site has a lengthy planning history. The application made in 2011 refers to the site to the North of King's Avenue, to the east of this part of North Ely.

13/00785/ESO	Residential led development of up to 1,200 homes with associated employment and community uses (including care home or extra care home). Supporting infrastructure, and open space/landscaping on land to the west of Lynn Road in Ely.	Approved
16/01794/RMM	Reserved Matters application for approval of details of access, appearance, scale, layout and landscaping for the construction of 199 dwellings, garages, roads, footpaths, cycleways, open spaces and associated infrastructure and other works in respect of Parcel A and B in Phase 1 of outline planning permission, 13/00785/OUM	Approved
11/01077/ESO	Residential development, a local centre comprising retail food store (A1), uses within	Approved

	Use Classes A1/2/3/4/5. D1 and business units (B1), primary school, pre-school nursery, playing fields, place of worship and/or community hall, together with open space, allotments, landscaping, highways, infrastructure and associated works (Land at High Flyer Farm, North of King's Avenue)	
19/00299/MPO	Application for the modification or discharge of a planning obligation (Ref: 13/00785/ESO)	Approved, 25 th March 2021
19/00702/MPO	To vary the S106 agreement to facilitate an early review on viability, increase the level of affordable housing on Phase 2 or 3, whichever is the later, with a further viability review at Phase 5, and to secure the early delivery of the A10 roundabout and associated infrastructure	Approved at Committee 8 th January 2020. Completed, 25 th March 2021
20/00797/RMM	New highway access from the A10 carriageway as detailed under condition 34 of 13/00785/ESO	Approved
20/00360/RMM	Reserved Matters for appearance, landscaping, layout and scale for the construction of 258 dwellings and associated infrastructure following outline planning application 13/00785/ESO (Orchards Green Phase 3)	Approved
20/01675/FUL	Construction of foul water pumping station and access road	Approved

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site comprises of one parcel of land to the North of Cam Drive, and to the west of Lynn Road and is formally known as Phase 2. The Phase has been split into two parts, A and B. This application is for part A and will include all of the residential housing, the 4 retail units (with residential above), the cricket pavilion and associated sports pitches, and the remaining green edge which will extend up to the hamlet of Chettisham. The extra care facility which is also included within phase 2, is not included within this application site and will be submitted separately, in the future, under part B. Phase 2A is approximately 18.49ha (45.19 Acres). The site bounds the A10 to the West and undeveloped land to the south (phase 5). The eastern edges of the site bound Lynn Road. To the North is also undeveloped land (phase 4) and borders the site currently under construction for 24 dwellings under Ref: 19/00748/FUM (Twinwood Cottage, Lynn Road, Chettisham). The site is currently vacant with existing soft landscaping and tree features dotted within the site and along the site boundaries.
- 4.2 The wider area is characterised mainly by dwellings, along Lynn Road, and from the other phases of development (Phases 1 and 3). The Isle of Ely Primary School is now complete and occupied, and saw its first cohort leave the school in July this year. The care home (The Orchards) is also complete and occupied. Phase 1 (Hopkins Homes) is still under construction and approximately 110 dwellings have been completed and most are occupied. Phase 1 would also bring forward some commercial units and a community facility building, which are still the subject of discussions between the LPA and the landowner, and progress is being made. Phase 3 (Taylor Wimpey) is in its early stages of construction with no dwellings yet completed or occupied.

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.
- 5.2 **City of Ely Council - 25 May 2021**
The City of Ely Council has no concerns with regards to this application.
- City of Ely Council (following amendments) - 17 August 2021**
The City of Ely Council has no concerns with regards to this application.
- City of Ely Council (following amendments) – Comments will be added to the update sheet**
- 5.3 **Local Highways Authority - 14 June 2021**

My response to this Reserved Matters application primarily relates to the submitted layout and takes into considerations items previously approved under the original application (13/00785/ESO) or subsequent discharge of conditions.

My response has been divided into the following headings with key requests and comments summarised at the end:

- Access
- Spine Road
- Layout
- Crossings
- Visibility
- Parking
- Construction Specifications
- Surface Materials
- Trees & Vegetation
- Levels & Gradients
- Surface Water Drainage
- Highway Adoption

Access

The proposed site access is shown on the plans JKK9833-RPS-XX-00-DR-C-0001 to -0004 Rev P02. I understand that access isn't included as part of this application but there are matters relating to the access which impact upon the internal road network.

The most northerly access which connects to a Tertiary Street as shown JKK9833-RPS-XX-00-DR-C-0001 Rev P02 is an emergency access junction and as such was not included in the original application. The layout shown for this junction (simple priority junction with bollards in the carriageway) is not appropriate for a junction which will function solely as an emergency access. It is likely to confuse drivers who may attempt to use the access prior to realising that it is blocked, particularly given the proximity of the adjacent retail unit.

It's my understanding that this emergency access is intended for use as a construction access but once construction has completed, I will require the access design be scaled back as an emergency access should not encourage regular use. An emergency access which consists of a 3.7m – 4.1m wide path (4.1m is desirable) with a dropped kerb and bollard protection is deemed more appropriate, provided the construction specification is suitable for emergency vehicles and unbound material is not used for surfacing. Any revised emergency access design should be consulted with the relevant emergency services.

As vehicles will not be able to regularly use the emergency access, vehicle turning is required on the approach Tertiary Street. A turning head should be placed within 20m of the end of the street.

Furthermore, please note that the area shown in the S278 drawings should terminate at the start of the access junction bell mouth for all accesses. At present the drawings show large lengths of estate road which would not be dedicated by means of S278 but would rather fall under Section 38. The S278 approval will need to be sought separately to any planning application.

Spine Road

My review of the Spine Road design takes into account the approval granted under application 13/00785/ESO and the conditioned Spine Road Statement (Condition

19) as discharged under 13/00785/DISC.

This approved statement specifies that the Spine Road has a design speed of 30mph and should be designed to accommodate buses and heavy goods vehicles. As such the carriageway width of the Spine Road should be a minimum of 6.5m with localised widening at bends up to 7.3m to accommodate appropriate vehicle tracking. In order to confirm if the Spine Road has been designed in accordance with the Spine Road Statement, I will require a dimensioned plan and vehicle tracking for a bus and coach to ensure they can pass each other at the bends.

The cycling provision included along the Spine Road is not consistent with the requirement outlined in the Spine Road Statement. A 3m shared footway and cycleway should be provided along one side of the carriageway for the entire length of the Spine Road within this parcel including up to the tie in with the Lynn Road access. I request a revised and dimensioned plan which clearly shows the shared use path.

Bus stops are shown on the Spine Road in locations consistent with the Spine Road Statement. I recommend that bus stops are laid out in accordance Transport for London's Accessible Bus Stop Design Guidance. Please note that the Local Highway Authority does not adopt bus shelters, which will be the responsibility of the City Council.

Layout

As a general point, the application drawings are devoid of annotation of dimensions. Before I can approve the layout, I will require that a plan is included which shows dimensions for carriageways, footways, cycleways, shared paths, shared surfaces/ maintenance strips and junction radii. This plan should also make clear any distinction between footways and shared use paths.

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

- Secondary Street
 - 5.5m carriageway
 - 2m footways
- Tertiary Street
 - 5m carriageway
 - 2m footways
- Lane
 - 6m shared space (with ramp and footway transition)
 - 0.5m maintenance strips (this includes a 0.5m maintenance strip between carriageway and privately maintained parking bays).
- Maximum junction radii – 6m

Details regarding the Spine Road are covered above.

The refuse tracking shown on the drawing number JKK9833-RPS-XX-XX-DR-C-0114-01 Rev P03 appears to show that the refuse vehicle can only turn around

adjacent to Plot 138 in the north-west of the site by overhanding a private drive. This should be amended so that the vehicle body is contained within the turning head. It is also unclear how refuse vehicles service plots 243-246 and 252-258 as no turning facility has been provided prior to the emergency access.

Where residents are expected to carry their bins to collection points due to an inability for refuse vehicles to directly access their property (e.g. shared private drives), bin collection points should be provided which do not obstruct the highway in accordance with Manual for Streets.

Fire tender vehicle tracking appears to be acceptable but will need confirmation from the fire & rescue service to ensure the layout is appropriate and complies with Part B5 of the Building Regulations.

I will need tracking of large cars at the junction of the Spine Road and the Tertiary Street opposite Plot 73.

I will require vehicle tracking showing two passing large cars (north-south and east-west) of the crossroads type arrangement outside Plot 84. I do not consider it appropriate to locate a visitor parking bay outside Plot 89. The location of this parking bay will require users to manoeuvre in and out of the space at a location of conflict, posing a potential safety risk.

The layout of the crossroads type junction adjacent to Plot 110 is not acceptable for adoptable roads. The skew of the eastern and western arm is such that there is a direct conflict between opposing movements. During hours of darkness vehicle headlights will shine directly into opposing vehicles. Either skew the two arms more so that they are not directly opposite each other or revert the layout to a traditional crossroads. If a skewed arrangement is proposed, then vehicle tracking of passing large cars is needed.

All adoptable roads need to be designed in such a way so that they are self-enforcing of their design speeds which is 20mph everywhere except along the Spine Road. As such there should be a feature to change the vertical or horizontal alignment approximately every 80m. A feature of this nature will be needed in particular on the Lane (Plot 121 – 112) and Tertiary Street (Plot 122 – 111).

I understand from the Spine Road Statement that the Spine Road should provide cycle connectivity throughout the entirety of Orchard Green. It is unclear to me what the cycle strategy is for the rest of the layout. I presume that cycling will be accommodated on-street along the Secondary Streets, Tertiary Streets and Lanes. If this is true, then the above comments need to be addressed for highway adoption to be considered.

Crossings

The submission drawings do not show the location of any pedestrian crossing points (controlled or uncontrolled) so it is difficult to determine if appropriate pedestrian provision has been incorporated into the layout. I request that a plan be provided which annotates the proposed location of crossings.

Where pedestrian (and cycle) crossings are shown they will require dropped kerbs and tactile paving, unless located on a shared surface or raised table. However, due to the higher design speed along the Spine Road, all crossings along the Spine Road including those on raised tables should include tactile paving. This will help minimise any road safety risks and help encourage accessibility for all road users. Full details will be agreed during Section 38.

Particular care should be taken for the appropriate placement of crossings in areas of high activity such as at the proposed bus stops and sports amenities. Crossings in these locations should not have their visibility obscured by stopped buses or parked vehicles. The Spine Road Statement does also specify the need for a crossing at this location.

Note that raised tables should be constructed with block paving with a 25mm upstand kerb in a colour contrasting to surrounding surface material.

Visibility

The agreed design speed for the Spine Road is 30mph. As such the Stopping Sight Distance (as per Manual for Streets) for this road is 43m. All priority junctions which spur off the Spine Road should therefore have a 43m inter-vehicle visibility splay (y-distance) measured from a 2.4m setback. Where carriageway sits outside the visibility splay on the nearside, a tangential visibility from a 2.4m setback should also be shown.

At sharp bends in the Spine Road a forward visibility should be shown for a 43m SSD to ensure drivers can see obstacles in the carriageway (e.g. people) with sufficient time to stop. This is required at the sharp bends in horizontal alignment at the approximate location of Plot 73 and at the south-west extent of the parcel. For all other junctions an inter-vehicle visibility splay should be shown for a 20mph design speed (25m) from a 2.4m setback. This includes the accesses shown to the proposed care facility and to the cricket pavilion. Although the care facility falls outside of this application, the accesses are shown as part of the road network. Forward visibility needs to be shown for sharp bends on Secondary Streets, Tertiary Streets and Lanes which are intended for adoption with a 25m SSD. Guidance for measuring forward visibility is available in Manual for Streets.

Note that the inter-vehicle visibility splay shown at the junction adjacent to Plot 241 is incorrect. The priority of this junction appears to have been flipped resulting in the traditional minor arm has right of way. The visibility splay should be measured from the eastern arm and not the northern arm.

Where carriageway is intersected by a cycleway which has priority, then a 2.4m x 25m visibility splay will be required to the nearside of the cycleway edge.

At the staggered cross-roads style arrangement located on the Secondary Street adjacent to Plot 84, inter-vehicle visibility splays between all arms measured from a 2.4m setback will be required.

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

adopted.

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

I would request from the applicant a visibility plan demonstrating that the above visibility requirements are achievable. If they cannot be achieved, then Cambridgeshire County Council will not be able to consider adoption of any internal highway.

Parking

The parking strategy and layout show in drawing P19-0247_28 Rev A is broadly acceptable. However, as stated in the visibility section of this response, a 2m x 2m pedestrian inter-visibility is required wherever it is intended for a parking space or driveway to front onto adoptable highway.

The layout needs to be revised to include a 0.5m adoptable maintenance strip between the carriageway and all privately maintained parking bays on adoptable highway.

Allocated parking bays on the highway will not be permitted on any roads intended for adoption. Visitor or unallocated parking bays will only be accepted where they serve a strategic highways function but as a general principle, their use should be kept to a minimum. The visitor parking located along the Spine Road adjacent to the sports provision are acceptable (as agreed previously in the Spine Road Statement). However, these seven bays will only be acceptable provided they are of an appropriate size and do not obstruct any visibility splays.

Other parking bays located on the highway which are proposed for adoption (on drawing JKK9833-RPS-XX-XX-DR-C-0901-01 Rev P03) will not be acceptable. This includes the visitor bay shown on the Secondary Street outside Plot 89 and the bay shown on the Lane adjacent to Plot 238.

Parking provision for the retail units and residential accommodation requires clarification. How is the provision to be allocated for the respective uses? How are the retail units to be serviced from the internal road network?

Construction Specifications

The construction specification for roads which are proposed for adoption can be agreed by means of a Section 38 Agreement (of the Highways Act 1980) which sits outside of the planning system. However, in response to the construction details shown on the drawing JKK9833-RPS-XX-XX-DR-C-0104 Rev P02, the following comments will need to be addressed prior to any adoption agreement being completed (comments are provided on a 'without prejudice' basis to the submission of S38 application to the County Council).

- All road to be constructed as set out in Cambridgeshire County Council's Housing Estate Road Construction Specification (HERCS).
- The Spine Road should be constructed to the Distributor Road specification which will result in a 50mm surface course, not 40mm as shown on the submitted plans.
- The sub-base depth shown (375mm) is only acceptable with supporting evidence of a CBR of 3%. If no CBR value is provided, then the sub-base will need be assumed as 520mm.
- 125mm x 255mm bullnosed kerbs will be required for shared surface areas, not 125mm x 150mm. See HERCS clause 13.02 for further detail.

Surface Materials

Surface materials on roads which are proposed for adoption can be agreed with Cambridgeshire County Council by means of a Section 38 agreement. However, the surface materials shown on the submitted plan P19-0247_30 Rev A are in principle acceptable for adoptable highway.

Please note that where block paving is proposed, it will only be adoptable if blocks are rectangular precast concrete (200mm x 100mm x 80mm) and comply with BS EN 1338:2003. Permitted colours are:

- Medium / red / buff
- Dark grey / dark brown
- Natural / brindle

Trees & Vegetation

There do not appear to be any trees proposed within adoptable highway. The Local Highway Authority would only adopt strategic street trees (with a commuted maintenance sum) provided that tree pit details are constructed as per HERCS requirements (note that the tree pit construction specifications shown on drawing P19-2540_102 are not consistent with HERCS requirements). Normally we avoid adoption of any trees and should they be proposed within highway space we would request that they be adopted by another body e.g. District Council. In this instance, this does not appear to be necessary.

Where tree pits are proposed adjacent to the adoptable highway, then the tree pits will require appropriate root protection.

Grass verges or landscaping will not be accepted within the adoptable highway with the exception of grassed visibility splays. However, our preference would be for a paved visibility margin. As such, grass verges shown on the Spine Road and the Secondary Street between driveways will not be adoptable by the Local Highway Authority.

Levels & Gradients

Please be advised that highway will only be adoptable if the longitudinal fall is generally 1:40 or shallower. A longitudinal fall of up to 1:20 can be permitted for a maximum length of 20m and shall be used no more than once for every 100m

length of highway. Gradients of shared surface streets shall not be less than 1:80.

Crossfalls shown on drawing JKK9833-RPS-XX-XX-DR-C-0104 Rev P02 are in line with HERCS.

Detail will be agreed during Section 38 Agreement.

Surface Water Drainage

The drainage strategy shown on drawing JKK9833-RPS-XX-XX-DR-C-0600-02 Rev P03 and JKK9833-RPS-XX-XX-DR-C-0600-07 Rev P01 show highway surface water draining to swales. The Local Highway Authority will not adopt swales or any means of attenuation. Adoptable highway surface water systems cannot discharge to the privately maintained swales unless the intervening piped system is adopted by the local drainage authority. If this is not the case, then Cambridgeshire County Council will not be able to adopt the proposed highway.

Please note that private surface water flowing onto adoptable highway will not be acceptable.

Other detailed items relating to the surface water drainage strategy (e.g. location of gullies) can be agreed as part of a Section 38 Agreement stage. However, please ensure that any drainage strategy aligns with the requirements set out in HERCS for adoptable highway.

Highway Adoption

The drawing JKK9833-RPS-XX-XX-DR-C-0801-01 Rev P03 shows an area proposed for adoption. For any land to be adopted as part of the public highway it will need to be designed and constructed in line with the requirements set out in Cambridgeshire County Council's Housing Estate Road Construction Specification. This includes amending the layout to address the various points raised above.

Ultimately the exact area to be adopted will be agreed by means of a Section 38 Agreement. However, addressing the above points can help to secure a Section 38 in a timelier manner.

Local Highways Authority (following amendments) - 6 August 2021

A summary of my additional information requests and key comments/requirements are as follows:

- Local widening (up to a maximum of 7.3m) required at bends to accommodate bus swept paths within the carriageway.
- Extend the footways beyond the private drives at the transition to shared space Lanes at the approximate location of Plot 9 and 70.
- Confirm that internal junction corner radii are 6m and if not, then provide car vehicle tracking to demonstrate the junction design is appropriate.
- Provide a turning head within 20m of the start of the shared surface at the location of the emergency access (Plots 253-258). Demonstrate a refuse vehicle turning in said turning head.

- Amend the junction design opposite Plot 73 so two cars can pass, and the swept path be contained within the carriageway.
- Provide vehicle tracking to demonstrate how the two retail units can be services in a safe manner which will not obstruct adoptable highway.
- Eliminate the footway pinch point adjacent to Plot 89 so that a consistent width of 2m is maintained.
- Include a speed reduction feature(s) which re-aligns the carriageway along the Lane between Plots 112 and 121.
- Provide a 25m cycle visibility splay at the exit from the parking court which serve the retail units and flats (Plots 1-6).
- Amend the 2m x 2m pedestrian visibility splays.
- Provide 2m x 2m pedestrian visibility splays at the accesses to the Cricket Pavilion and parking courts associated with both retail units.
- Remove grassed area outside Plot 73 which falls within the forward visibility from adoptable highway.
- Provide forward visibility outside Plots 64, 211, 216 and 222 of at least 14m.
- Construction specification is subject to a S38 but the sub-base depth will need to increase to 520mm.
- Seal the gravel path surfacing in the landscaped area for the first 5m from highway edge where they intersect adoptable highway.
- Remove grassed verge between carriageway and footways from the proposed adoptable area.
- Where trees are proposed within 5m of the highway include appropriate root protection (see above) and do not use any fruit trees.
- Demonstrate that surface water drainage is compliant with Part H3 of the Building Regulations 2010 (no infiltration devices within 5m of a building or road).
- Proposed adoptable areas and management plans to be updated.
- Adoptable areas subject to a Section 38 Agreement of the Highways Act 1980 and compliance with Cambridgeshire County Council's Housing Estate Road Construction Specification.

Local Highways Authority (following previous comments) - 12 August 2021

Upon further review and consultation, I would like to recommend that the access proposals submitted in response to Condition 31 and 32 of the outline consent be amended so that the proposed 3m shared use path extends to the northern edge of the site boundary. This will help ensure greater levels of safety for vulnerable road users and will aid the scheme comply with local and national policy relating to cycling infrastructure, particularly in the context of the wider Orchard Green development.

All other comments in my response dated 6th August 2021 are still applicable.

Local Highways Authority (following further amendments) – 19 October 2021

Lynn Road / Access Conditions

The drawing JKK9833-RPS-XX-00-DR-C-0001 Revision P04, submitted in response to Condition 31 of the outline consent (ref: 13/00785/ESO) is broadly acceptable provided that the applicant can demonstrate:

- A bus and refuse vehicle can turn left-out of the site without the vehicle body overhanging the opposing right turn lane or overhanging any footway.
- A bus and refuse vehicle can turn right-in without the rear of the vehicle body overhanging the nearside southbound lane.

If the above cannot be achieved, then minor changes to the junction design may be required. These changes could impact lane widths, corner radii or corner tapers. The drawing JKK9833-RPS-XX-00-DR-C-0002 Revision P04, submitted in response to Condition 32 of the outline consent is broadly acceptable provided that the applicant can demonstrate:

- A refuse vehicle can turn right-out without the vehicle body overhanging any footway or the pedestrian refuse island to the south.

In addition to the two above drawings, the drawings JKK9833-RPS-XX-00-DR-C-0003 Revision P01, JKK9833-RPS-XX-00-DR-C-0002 Revision P02 and JKK9833-RPS-XX-00-DR-C-0005 Revision P01 have been submitted in response to Condition 40 of the outline consent. In general, the proposed cycle scheme is acceptable provided that a toucan crossing is included south of the local centre as required within approved phasing strategy for off-site cycle mitigation.

In parallel to this reserved matters planning application, the applicant has submitted to the County Council an application for an Agreement under Section 278 of the Highways Act 1980 for site access (Conditions 31 & 32) and a cycle scheme (Condition 40). Bar the above comments, the remaining unresolved items are matters of engineering detail (construction specifications, gradients, location of tactile paving and dropped kerbs, drainage etc.). I am content for these remaining items to be resolved through the S278 Application process. Otherwise, I cannot confirm the full acceptability of Lynn Road proposals until such a time as an S278 Agreement is approved in principle.

Outstanding Items

The 25m cycle visibility splay and the 2m x 2m pedestrian visibility splay shown on the drawing JKK9833-RPS-XX-XX-DR-C-0801-02 Revision P03 are obstructed to the left by a visitor parking bay. In the interest of pedestrian and cycle safety, this parking bay should be removed or located elsewhere.

Highway Adoption

The adoption of proposed highway will be subject to a Section 38 Agreement of the Highway Act 1980 and comments made in response to this planning application were done so on a without prejudice basis to any such agreement taking place. In the interest of avoiding any abortive construction works, I strongly advised that should the applicant be granted planning approval, no construction works take place for proposed adoptable highway prior to the applicant entering into a Section 38 Agreement with the Local Highway Authority.

A S38 agreement will include detailed engineering matters such as construction specifications, crossings, highway levels & gradients i.e., items other than access, layout, appearance, landscaping and scale. As such, I would like to request that the following drawings are not included in the list of approved plans:

- JKK9833-RPS-XX-XX-DR-C-0801-01 Revision P06 – S38 Layout

- JKK9833-RPS-XX-XX-DR-C-0801-03 Revision P02 – Crossing Locations
- JKK9833-RPS-XX-XX-DR-C-0600-10 Revision P07 – Management Plan 1
- JKK9833-RPS-XX-XX-DR-C-0600-11 Revision P07 – Management Plan 2

Highway adoption will only be considered where proposals align with the County Council's requirements as set out in their Housing Estate Road Construction Specification (the most up to date version at the time of agreement).

No highway can be adopted by the LHA until the developer has first secured a Section 104 Agreement with Anglian Water for surface water sewers. Should water from private impermeable areas (e.g., driveways) discharge to the adoptable highway, this may limit the LHA's ability to adopt future highway.

A root protection barrier, to a minimum depth of 1.5m, should be provided wherever a tree is to be planted within 5m of adoptable highway, including footways. Failure to provide such a barrier may limit the LHA's ability to adopt future highway. The LHA will not accept the ownership and maintenance responsibility for root protection within private land adjacent to adoptable highway.

Conclusion

Provided that the above comments are addressed, or resolutions conditioned, I do not object to this application

Local Highways Authority – 22 October 2021

I have now looked through the drawings properly and can confirm that the changes made have addressed my previous comments relating to access to Lynn Road and visibility at the cycle route. I am now content with this submission.

5.4 Lead Local Flood Authority - 18 May 2021

At present we object to the reserved matters application for the following reasons:

1. Impermeable Areas

The impermeable area table included within the submitted Drainage Statement indicates that the impermeable area across the parcel areas should be 50% of the total parcel area. It is noted that the total impermeable area of the site is greater than 50% of the total site area, with 26.79Ha proposed impermeable over the 48.71Ha site area. This is against the agreed strategy at the outline planning permission, where the developable area is 50% of the site area. This could lead to greater volumes required in attenuation features than previously agreed. It should also be noted that the connections from future phases are assuming a rate and volume of 50% the site area. If this is not kept consistent, capacity issues within the network can arise.

Until it is clearly agreed that the impermeable area for the site will be no greater than 50% upon completion, or if there is a general uplift this can be accommodated within the agreed SuDS on site, we are unable to support this application

2. Swale Section

The cross sections of the swales include the proposed levels. Section B-B requires attention, as the levels are shown to be the same across the top of bank to the invert of the swale. These must be clearly and accurately labelled to ensure clarity on the design of the system.

Lead Local Flood Authority - 5 July 2021

At present we maintain our objection to the grant of planning permission for the following reasons:

1. No Updated Information

There does not appear to be any revised documentation for the LLFA to review, therefore, we have no further comments beyond those set down in our response of 18 May 2021 (ref: 201106224). Our position remains opposed to the development, subject to review of updated information.

Lead Local Flood Authority (following amendments) - 3 August 2021

At present we maintain our objection to the grant of planning permission for the following reasons:

1. Impermeable Area

The applicant has an impermeable area proposed at approximately 55%. This is 5% greater than the agreed and approved 50% impermeable area as part of the outline Flood Risk Assessment. While it is acknowledged that the surface water from Phase 2A catchments D11 - D14 can be accommodated at these contributing impermeable areas, it must be demonstrated that the wider SuDS network can cope with the additional impermeable surface. The applicant should model the wider drainage linked with this part of the scheme with the 55% impermeable area. The increase in impermeable area should be accommodated within the scheme without increasing risk of flooding to the site or surrounding land or property.

It should be noted that the 50% contributing impermeable areas is a principle agreed at the outline planning permission and it is with the LPA whether to approve design at an increased level and density of development. While this may be accommodated within the design of the scheme, it is against the principles of the wider strategy.

Lead Local Flood Authority (following amendments) – 22 October 2021

Based on the submitted amendments, **we can remove our objection to the reserved matters application.**

The amended documents demonstrate that surface water from the proposed development can be managed by discharging the runoff from the developed areas into a series of interlinked swales throughout the site, with the outfalls from these swales designed to utilise these as storage within the system. Surface water will then

be held in an attenuation basin before discharge at a rate of 30.9l/s into the wider drainage network, ultimately out falling into the Littleport and Downham IDB drains.

5.5 **Technical Officer Access - 21 May 2021**

- 1) Difficulties opening the majority of the drawings. Had to use Adobe Reader, still had problems. So, no constructive comments other than they are providing "Lifetime Homes".
- 2) In the bike store (commercial units) access would be easier if the door was the same size as bin store doors and racks opposite with no right angle turn to use racks.
- 3) Pavilion. Why are those athletes and games players who use wheelchairs or have mobility issues required to change in the toilets and do not have access to the changing rooms like able bodied athletes; the presumption from this design is that people with disabilities will be spectators of sports not participants.
- 4) When the external door is open from the changing room to under the canopy people changing can be seen in the Primary changing room as there is no screening partition and the gap and door way are opposite one another.
- 5) Footpaths from car parking should be well lit, firm, level and slip resistant; the Blue badge Parking should be closest to the Pavilion Principal entrance.
- 6) I couldn't find a Design and Access Statement, is there one?
- 7) Some of the documents were unavailable.
- 8) 40 dwellings per hectare means plots are small, should consideration be given to allotment provision in this phase as current waiting list is now 100+
- 9) Shared space is unsafe for disabled and vulnerably road users. For example, I am visually impaired and my friends and I who are also visually impaired find shared space unsafe and have had accidents with cars and bikes in shared space areas. What's more, Guide Dogs rely on pavements with kerbs to be able to work effectively, in a shared space area this would not work and would affect a Guide Dogs effectiveness in areas where there are designated pavements.
- 10) The shared pedestrian cycleway on Lynn Road will need to have the correct tactile markings in place to indicate which side of the pavement is for pedestrians and which side is for bikes. This would require vertical tactile paving for the cycleway and horizontal tactile paving for the pedestrian walkway. There would also need to be a clear tactile marker running along the length of the pavement between the cycle way and footpath.
- 11) There needs to be a clear area for bins to be collected off the pavements.
- 12) There needs to be an adequate provision of street lighting throughout the development to aid partially sighted people walking through the development.

5.6 **Design Out Crime Officers - 4 May 2021**

I have viewed the documents in relation to crime, disorder and the fear of crime and have searched the Constabulary crime and incident systems covering this location for the last 2 years. I would consider this to be an area of low risk to the vulnerability from crime at present.

This appears to be an acceptable layout in relation to crime prevention and the fear of crime providing reasonable levels of natural surveillance from neighbour's properties with many of the homes facing each other or overlooking open space and the sports area. Pedestrian and vehicle routes are aligned together, well overlooked and pedestrian safety has been considered. This should encourage some level of

territoriality amongst residents. Most of the vehicle parking is in-curtilage between, to the sides and in front of properties, along with a few parking courts. Most of the homes have back to back protected rear gardens which reduces the risk and vulnerability to crime and have been provided with the potential for some defensible space to their front.

It is important that security and crime prevention are considered and discussed at the earliest opportunity to ensure that the security of buildings, homes, amenity space and the environment provide a safe place for residents and visitors. I note from reading the design and access statement (DACS) that you have considered safer places, this document hasn't been updated for a few years although the 7 attributes are still current in relation to crime prevention and community safety.

It would appear that some measures have been considered. I do however have the following comments: -

- Footpaths to the side/rear of terraced homes - if storage for bins and cycles cannot be provided to the front of these homes and footpaths are necessary for access to the rear gardens they should be gated as close as possible to the front building line, shared gates should be fitted with self-closers, private gates fitted with self-closers and lockable from both sides.
- Parking to the rear of 26, 27, 29, 36 ,37 and 228-232 residents have no natural surveillance over their own vehicles, consideration should be given to drop fencing to 1.5m with 300mm trellis to increase surveillance.
- Properties overlooking cricket pavilion 112, VP, 113, 114, 115, 116, 121, 144, 145, VP, 146, VP, and 147 recommendation for possible permit for residents living in this area with signage private residents parking, experience has shown that visitors to the residents and cricket pavilion will use these which is likely to cause parking disputes and anti-social behaviour.
- Flats - Balconies supports should be square and inset front and side, this is to reduce potential climbing aids. Doors and windows to balconies should be enhanced security to PAS 24:2016.
- Communal entrance doors access control to allow access to residents only. No Trade buttons. Access control for visitors. What considerations have you made around mail.
- Bin and Cycle stores should have security doors with residential access control, mag locks and easy egress method with thumb turn. Sheffield cycle stands inside store as a minimum requirement cemented 300mm into the ground.

Retail units:

- Retail fob access to rear lobby restricted to the premises and store room. Consideration on waste facilities for the commercial buildings.
- External Cycle stands Sheffield stands as a minimum requirement cemented 300mm into the ground.
- What considerations have been made around waste disposal for commercial units.

Pavilion:

- Maintenance and storage facility doors should be enhanced security tested doors LPS1175 -SR2, lockable with mag locks top and bottom with self-closers.
- Consideration for Closed Circuit television with passive infra-red and facial recognition.
- Barrier for pavilion to stop cricket balls hitting residents' vehicles or properties. I have noted the technical report that has been provided in the DACS.

Lighting:

- It would be good to see an External lighting plan (adoptable and private) including calculations and lux levels when available. For the safety of people and their property our recommendation is that all adopted and un-adopted roads, private and shared drives and parking areas (including the retail premises and sport park) should be lit by columns to BS5489:1 2020. Bollard lighting is only appropriate for wayfinding and should not be used as a primary lighting source for any roads or parking areas, where they are also prone to damage. Care should be taken in relation to the location of lighting columns with the entry method for the majority of dwelling burglary being via rear gardens. Lighting columns located next to rear/side garden walls and fences with little surveillance from other properties can be used as a climbing aid to gain entry to the rear gardens. Home security lights both front and rear should be dusk to dawn bulkhead LED lights.
- Pedestrian links should be straight, landscape 1-1.2m with tree crowns raised to 2m and Column lighting BS5489:1 2020.

Design Out Crime Officers (following amendments) - 23 August 2021

I have noted the comments in the Design Response Document and having looked at the plans and the amendments I am very happy with the changes that have been made following my previous comments and this office is happy to support the application.

Our office would like to see a copy of the lighting plan once it's available.

I would be happy to discuss Secured by Design (SBD) and believe that if an application was submitted SBD could be achieved on this development with consultation

5.7 ECDC Trees Team – 09 June 2021

The spine road tree pit design does not conform to the root barrier installation guide from the manufacturer of the chosen product as they show the barrier can only be installed in a vertical position and not shaped round the edges of the footpaths or roadways.

The extent of excavation proposed for the tree pits also means that the tree stakes would be insecure as they would not penetrate beyond the excavated ground. A shallower pit would be more beneficial.

The use of soft fruit producing trees such as *Malus trilobata*, *Amelanchier lamarckii*, *Pyrus calleryana* "Chanticleer" and *Prunus padus* 'Albertii' should be reconsidered if their locations overhanging or adjacent to parking areas and footpaths as these locations would be unsuitable for their long-term retention. The soft fruit (Crab apples, Cherries and berries) produced by these trees can pose a slip hazard as well as making a mess and attracting unwanted insects such as wasps.

Further details of the soft landscaping design will be required and should include:

- 1) A scaled plan showing existing vegetation, tree trunks & canopy details of trees retained & tree protection fences shall be identified on all plans, in accordance with BS 5837:2012, extracted from the Arboricultural Implications Assessment (AIA), to include all trees located within 10m of site boundaries.
- 2) Location, type and materials to be used for hard landscaping including specifications, where applicable for:
 - a) permeable paving
 - b) tree pit design and construction details shall be provided; structural Cells shall be utilised as the preferred method of construction method of construction where appropriate.
 - c) underground modular systems
 - d) Sustainable urban drainage integration
 - e) any area usage within tree Root Protection Areas (RPAs);
- 3) A schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) Specifications for operations associated with plant establishment to include a programme of the timing of the landscape work and maintenance shall be provided, having regard to the timing of the commencement of any part of the development hereby permitted.
- 5) Types and dimensions of all boundary treatments, there shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.
- 6) A drainage & services overlay drawing shall be provided to show the interface of SUDS, manholes, attenuation and pipe routes in relation to soft landscape.
- 7) A programme for the timing of the landscape work shall be provided, having regard to the timing of the commencement of any part of the development hereby permitted.
- 8) Soft landscape works shall be audited at completion and verified against the approved soft landscape plans by a Landscape Architect, to ensure compliance with approved drawings. The Landscape Architect shall report all findings to the Local Planning Authority before sign off of Conditions and final planning approval.

ECDC Trees Officer (following amendments) – 19 October 2021

No objections, but the soft fruit trees would mean that pavements and road might be impacted by the fruit dropping and causing risk of people slipping.

5.8 Environmental Health - 30 April 2021

I have read the NIA dated 31st March.

The report finds that "worst case façade levels are indicated to be those facing the A10 road. As per the contours set out in Figure 10, and Figure 11, worst case levels are LAeq,T 61dB during the day and LAeq,T 51dB during the night."

The target façade levels during the day are 50dB (or 55dB if you find the development necessary and desirable and relax the target).

With regard to these day-time levels there is a predicted exceedance of 6dB (if you relax the target by 5dB). There appear to be 7 affected plots (138, 137, 136, 135, 147, 146, 145). The report advises that closed windows and alternative methods of ventilation are utilised. Although this is in line with national guidance and I would not seek to object to this I am aware that the LPA would usually expect internal sound levels to be met with a partially open window. From examining Figure 10 on page 21 it would appear as though sensitive rooms (bedrooms and living rooms) can be placed on the opposite façade and achieve acceptable levels. I would advise that this is explored if it has not been already (I have not examined the floor plans for these plots).

The target façade levels during the night are 45dB (or 50dB if you find the development necessary and desirable and relax the target).

With regard to these night-time levels there is a predicted exceedance of 1dB (if you relax the target by 5dB). I would not wish to object to this as it is within the margin of error of these assessments.

I have no issues to raise with regard to external amenity areas.

The report has undertaken a BS4142 assessment on the proposed retail units with a residential element located above. The assessment has calculated the following limits that any mechanical plant installed in the retail units should meet. Section 10.3.3 advises -

"...the specific sound source limiting power level is set at 64 dBA Lw during the day time and 58 dBA Lw at night time. This is the sound power level at the termination of the equipment and any final installation/design should include any necessary mitigation measures required in order to meet these limits at the equipment termination."

If possible, I would request that this is conditioned.

Environmental Health (following amendments) - 24 August 2021

I have read the Amended Noise Memorandum dated the 19th July 2021.

The memorandum concludes by stating -

"The window design achieves internal ambient levels commensurate with the good criteria for habitable rooms in Table 4 of BS8233 with windows closed but the windows are openable at the occupant's discretion. If they are opened there will be a tradeoff between the fresh air they provide and the increased level on noise but this in itself is not necessarily onerous particularly at night when the effects of warm weather can result in occupants opening windows for ventilation to assist sleep."

I have no issues to raise with what is being stated but it does not change my previous comments below which I will repeat here for ease -

"With regard to these day-time levels there is a predicted exceedance of 6dB (if you relax the target by 5dB). There appear to be 7 affected plots (138, 137, 136, 135, 147, 146, 145). The report advises that closed windows and alternative methods of ventilation are utilised. Although this is in line with national guidance and I would not seek to object to this I am aware that the LPA would usually expect internal sound levels to be met with a partially open window. From examining Figure 10 on page 21 it would appear as though sensitive rooms (bedrooms and living rooms) can be placed on the opposite façade and achieve acceptable levels. I would advise that this is explored if it has not been already (I have not examined the floor plans for these plots)."

Environmental Health (following further amendments) – 21 October 2021

No objections.

5.9 Sport England – 07 June 2021

Sport England commented at outline planning stage and supported the scheme as it included new facilities for cricket and football.

The submitted details include new sports facilities catering for cricket and football and also including a new cricket pavilion. A ball strike assessment was submitted with the original application which recommended no mitigation, however a revised assessment has been submitted (May 2021) which recommends a 37m long 3m high fence along the southern boundary, but nothing along the northern boundary where there will be new houses sited approximately 5m beyond the site boundary.

With regard to the submitted reserved matters, Sport England would like to make the following representations:

We support the provision of new facilities for cricket and football on this site. I have consulted the ECB on the proposals for cricket and they comment as follows:

Ball Strike Mitigation: Comments

- Labosport's 2018 report recommended 5m high netting along the northern boundary, which is why the club are understandably concerned that this is no longer proposed in the latest report as they are concerned this could potentially prejudice use of the new ground.
- It is noted following consultation with Labosport on this that they have revised their modelling since 2018 and factor into their ball trajectory model that shots directly behind the batter are less powerful, and thus using this new modelling approach in their new report, they have not recommended netting to the northern boundary in their 2021 report.
- The ECB has reviewed the report and recommends that a proportionate mitigation would be the inclusion of 3m high netting along the northern boundary as a sensible and appropriate solution, given that there is potential for balls to be struck in this direction at varying trajectories, and also to bounce after landing in this direction. It is particularly important to provide appropriate protection against ball strike in this orientation given that there is property located behind this boundary.
- Following this consultation, Labosport have also subsequently revised their assessment (V2 attached) and recommended that 3m high netting is installed to the South-East of the ground in order to appropriately protect the road behind from ball strike risk.
- To ensure that the cricket club is not liable for the management and maintenance of this ball stop netting, the ECB requires that this netting be funded as part of the development and a long-term management and maintenance plan is put in place by the developer. The ECB would ask to review this to ensure that it is appropriate and fit for purpose.

Pavilion: Comments

The ECB has TS5 pavilion technical specifications to provide detailed guidance in the development of new pavilions and has the following comments on the proposed design of the pavilion at this site:

- One of the key aspects of ECB TS5 guidance is to create a visual connection between the changing rooms and field of play. TS5 recommends the incorporation of padding up benches with windows in front to provide view of the playing field from the pavilion, as in the attached example "Plan 1".
- The two main changing rooms require a minimum changing area within them of 20m² – they are currently 14m². The ECB also requires that the main changing rooms include shower cubicles of dimensions 2m x 1m to provide privacy and wet/dry separation – it is noted that they are currently communal showers which isn't supported due to the lack of privacy.
- The secondary changing rooms should also include a single shower cubicle rather than communal showers.
- The footprint of the main hall is substantial and in order to achieve the changing room requirements could be reduced to provide additional space for the main two changing rooms.
- It is important to the club's sustainability at the site that the pavilion design incorporates a bar, which will allow the club to generate revenue and provide a focal hub for events and community activity at the site. At present there is no public house in the north of Ely and so having a bar facility will be attractive to locals and

help to attract spectators on match days. This in turn makes the club more attractive to sponsors, again allowing us to increase revenue opportunities. The bar area needs to be capable of holding social functions, so that the club can hold events such as End of Season dinners, sponsors lunches and further events, and can also be hired out as a source of revenue.

- The club has requested that space be incorporated in the façade of the building to include an electronic scoreboard together with a clock. At the Paradise ground the club has a large permanent scoreboard that they would seek to make electric if this was going to be the main ground. It is also noted that the current pavilion design doesn't appear to include an internal scorer's base that can view the pitch – this is an important inclusion within the design to provide a covered area for officials to score the match.
- Whilst storage is incorporated into the design, the club has requested the inclusion of a large double garage so that this can accommodate a tractor with gang mowers, roller, mowers and other maintenance equipment. This will provide the necessary storage space for the equipment required by the club to maintain the square and outfield for cricket matches.
- The ECB requests that the future revisions of the pavilion design are provided for comment, so that they can be reviewed with the cricket club and agreed as meeting the full extent of ECB TS5 guidance and the club's requirements.

The comments above raise some issues with regard to the lack of ball mitigation measures along the northern boundary, but also some fundamental issues with regard to the design and layout of the pavilion which don't meet ECB TS5 technical guidance.

We therefore recommend that further consideration is given to these issues before a decision is made.

Recommendation:

Sport England wishes to object to the details submitted, for the following reasons:

1. The layout and design of the pavilion needs to be amended to meet ECB TS5 technical guidance
2. We still have some concerns regarding the lack of ball mitigation measures along the northern boundary of the cricket field.

Sport England (following further information) - 13 August 2021

With regard to the submitted reserved matters, Sport England would like to make the following representations:

I have received further comments from the ECB with regard to ball strike issues and pavilion design:

Ball Strike Mitigation: Comments

- It is noted that the landscape plan incorporates 3m high netting along the northern and south-eastern boundaries, in accordance with Labosport's ball strike trajectory risk assessment.

- The ECB recommends that the netting to the north of the site is located along the boundary of the site, rather than following the boundary of the cricket outfield as proposed in the layout. There should be a separation between the cricket outfield boundary and any obstacles such as the netting to ensure that the pitch can be safely utilised, and providing the netting along the boundary will maximise the level of mitigation for property behind the ground.
- The ECB also recommends that the netting to the South East of the ground doesn't fully extend to the south of the site (with a gap in the corner). Whilst this meets Labosport's recommendations, it would be advisable to protect this corner of the site to further mitigate risk.
- It is noted that the netting proposed is labelled as demountable - but no detail has yet been provided regarding the proposed management/maintenance and operation of the netting. The ECB recommends that fixed netting or seasonally demountable netting are preferred options to minimise the requirement for netting to be raised or lowered on repeated occasions.
- To ensure that the cricket club is not liable for the management and maintenance of this ball stop netting, the ECB requires that this netting be funded as part of the development and a long-term management and maintenance plan is put in place by the developer. The ECB would ask to review this to ensure that it is appropriate and fit for purpose.

Pavilion

The ECB has the following comments regarding the latest pavilion plans;

- Screening will need to be introduced to the entrances to the changing rooms to maintain privacy for participants whilst changing.
- The changing space available within the primary changing rooms must be a minimum of 20m² (currently slightly less than this).
- We would recommend that the main hall be a minimum of 80m² (currently 67m²) to fully accommodate participants, officials and spectators, along with cricket and community events.
- Reinforced glazing should be incorporated to the windows facing the cricket pitch to protect against potential ball strike.
- There appears to be limited internal storage provided within the pavilion for equipment (other than "hall storage" - it is important that internal storage provided fully meets the requirements of the club).

P19 Cricket Pavilion Plan

- The ECB was consulted regarding the attached pavilion plan (which hasn't been uploaded to the planning portal).
- The ECB can confirm that this pavilion plan fully accords with ECB TS5 guidance and therefore would advocate that this is selected as the final iteration of the design for the new building.

The pavilion that the ECB agreed to is included as an attachment.

Sport England (following amendments)

Comments will be included on the update sheet.

5.10 Building Control - East Cambridgeshire District Council - 26 August 2021

For a development of this size, agreements/consents should be in place with Anglian Water before Building Control could accept the proposals.

5.11 Waste Strategy (ECDC) – 19 May 2021

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

In all cases the one service all residents expect is the collection of waste, unfortunately this development appears to make excessive use of 'Bin Collection Points' on private driveways, these are not acceptable to the waste team where they are within the private road and should be moved to a point directly adjacent the adopted highways, we would also note that we have found that in other locations these places become untidy and are likely to lead to a poor street scene for residents as well as loose litter issues; the waste team would suggest the removal of all these and that the developers improve the turning and reversing points for refuse freighters as well as the improvement of the roadways leading to private driveways so that refuse vehicles can use them.

Where a bin collection point is sandwiched between visitor parking spots these will need to be separated so that there is no chance of damage occurring to vehicles parked in them.

Waste Strategy (ECDC – following amendments) - 13 August 2021

As per the original waste response, our concerns regarding the excessive use of bin collection points remains and we will not collect from any of these points, all bins and bags will need to be presented at the adopted highway.

Given the scale of the development the waste team would require a contribution from the developer for the provision of two dog bins and two litter bins to ensure the on-going cleanliness of the street scene after completion, further details will be provided upon request, alternatively if the developer wishes to provide these and fit them this would also be acceptable however the waste team would require details of where these would be fitted in advance.

5.12 **Cambs Wildlife Trust – 23 September 2021**

I have reviewed the submitted biodiversity report and relevant plans and can confirm that these accord with the relevant planning permission. The only observation I would make is that the shrub planting could include a wider range of native shrubs suitable for the clay soils and ideally the meadow would also receive the same 10-year monitoring period as proposed for the trees and shrubs.

5.13 **Urban Designer (Place Services) – 02 June 2021**

Following the previous pre-application meetings and response, as well as a full review of the submitted application the below comments outline our concerns and recommendations to ensure quality is delivered in line with the Local Planning Authorities aspirations.

Overall, it is considered the application is moving forward positively in some aspects and we are pleased with the progress being made on this project. However, in this letter, there are some elements we feel could be improved in order to enhance the success of this project phase.

It has been noted that some of the past discussions and comments have been addressed within the submitted application where we would support these changes. We have outlined our comments in response to the initial pre-app discussions below and would look to seek further justification in some areas:

Pre-App Comments (22/02/2021)	Follow up comments
<p><i>It was considered the approach to landscape was seen as a secondary stage where it should be approach to help form the layout of the house types and street arrangements. We would have expected to see a clear landscape strategy presented alongside the proposed housing layout to justify how both principles will be taken forward together</i></p>	<p>Landscape proposals have now been presented as part of the application which address the peripherals of the development area. It is considered there are missed opportunities to create more connected green corridors through the development parcels following key highway routes. Use of front garden mixed species hedgerows, tree planting, verges and the use of green roofs (where applicable) would meet this requirement.</p> <p>The approach to landscaping in terms of species is supported where the specified tree sizes will provide a reasonable impact. We would suggest there are a series of key focal trees proposed around the development which have the capacity to be increased in terms of their spec size to create standout statements in the</p>

	<p>development. Key tree planting is ideal for wayfinding and setting a character to a development (for example mature oak species).</p> <p>There's no indication of street furniture or signage proposals as part of the application. We suggest this strategy is included in the application.</p>
<p><i>The approach from Lynn Road heading westward towards the sports pitch creates a poor focal feature when entering the development</i></p>	<p>It has been noted the amended layout and arrangement of the pavilion which in turn has created a strong approach from Lynn Road. The use of tree planting and openness to this junction is encouraging and we support this change.</p>
<p><i>Approach to design with regards to the sports pavilion was considered underwhelming where it is seen the building would act as a focal build to not just this phase but other phases as part of this development. The sports pavilion should contribute to a community much like a school where its design can be contrasting but sets a clear identity to the area.</i></p>	<p>It has been noted the amendments in materials to the pavilion where a high use of brick finish has now been proposed. This amendment creates an appearance of a more permanent structure where the ongoing maintenance could be reduced through the materials proposed.</p> <p>However, it is still considered the overall design and approach to the pavilion is still underwhelming where a focal community building blends in and provides little prominence to this, potentially well used sports provision. It is also unclear what the aspirations are to create a more self-sustaining community building for this community and club and would expect to see greater emphasis on this.</p>
<p><i>It is however considered the weakness of this feature [the crossroad feature] is that of the built form that addresses the corners, these standard corner turning house units are weak in their appearance and provide little structure to this prominent crossroad feature.</i></p>	<p>It is noted the amendments in house types to this square. The buildings provide little reference to the corner element but would agree the principle of the units (massing and scale) provide a strong presence.</p>
<p><i>We understand that should the emergency access need to be retained; we question whether the approach to the road type can be downplayed further due to the infrequency of use. A more of a home zone character can be achieved along this road contributing further to</i></p>	<p>It is clear that the emergency access is to be maintained which we assume is a clear requirement of this development. Its noted that the approach to street design to this stretch of road remaining prominent where previously it was raised as to see if this could be more pedestrian led/home zone given the</p>

<i>the apartments and house units along here.</i>	number of residents using the access. It would be interesting to see if this was explored?
<i>There was also questions of whether the northern private drive to this parcel can act more as a connecting/through road allowing for further flexibility in parking and access to units.</i>	Again, this is noted to have been addressed which appears to have eased the confined nature of the space before.
<i>Given East Cambridgeshire District Council declaring a Climate Emergency in 2019 it was noted from the discussions held that there lacked an approach to sustainability. No mention around the development striving to be carbon neutral nor any indication in how house types will address sustainable energy was presented.</i>	There is no clear commitment or vision within the application in terms of what the aspirations are for the approach to sustainability. There're references to PV but these are not shown on any plans or elevation, again no reference to electric charging. It would also be good to understand that this will be a no gas development given the phased ending to gas boilers.
<i>The house types presented as part of the discussions provided a mixture of characters and architectural styles. It was unclear of what the overall approach was to this phase. The mixture included units which portrayed a Georgian character and others provided a mixture of more contemporary and rural characteristics. This mixture of approaches provides a confusing disjointed approach to this phase where we would recommend that the approach to house types and design his reconsidered to ensure a consistent approach is presented.</i>	This is one of the applications main weaknesses which we have addressed below in the response document.
<i>Bovis Homes, Winchester Village development</i>	As above
<i>The apartment buildings above the commercial units, again, fall well short of the expectations in quality in architecture and design. It is unclear what the approach is with regards to its architecture due to it being simplistic and not corresponding with the wider phase. Given the prominence of these units as gateway builds, we would expect these to be of high quality, setting a precedent of architecture and design within the wider phase.</i>	As Above

As outlined within the comparison table it's clear that some elements of the pre-app discussions have been addressed to which we support and consider having a meaningful impact on the quality of development. One of the core principles of concern during the pre-app discussions was around the quality of built form. The house types presented previously had a mixture of approaches and styles which created a very confusing and poorly considered development. It is still considered the approach to the Georgian style architecture falls well below some of the basic principles of this architectural approach.

Within the pre-app discussions it was recommended that the applicant review the Bovis Homes, Winchester Village development. It is considered this approach to Georgian architecture at a volume-built scale demonstrates many of the key principles this development site should be matching given the Georgian approach outlined by the applicant team.

Without designing the house types for the applicant, I have provided some of the basic elements which will help ensure the Georgian approach is achieved where the current dressing of house types isn't acceptable.

- It is rare to see gable fronted roof forms in a Georgian property, these should be predominantly hipped roofs forms where the introduction of parapets can be used. Many of the house types proposed show gable ends fronting the streetscene which we would not encourage.
- Fenestration. Large multi-pane sash windows are necessary for this approach to character in the architecture. The use of the standard window units with additional window bars does not commit to this approach.
- The decorative entrances to a majority of the units appears to be a dressed feature and not part of the fabric of the building. It is recommended these can be integrated through brickwork to create a high-quality finish rather than a screwed-on addition. The Winchester Village approaches this well through the use of arched detailing and variety in approaches.
- The consistent use of the same detailing provides repetitive characteristics to every street of this parcel. This is in particular to the brick sill and headers, door surrounds and consistent use of the same window units. There're opportunities to introduce more cast stone effect to provide variety in the finishes.
- The use of estate railing/fencing provides a simple but effective approach in setting character. Very limited properties within the parcel are fronted by fencing/railing where the character is dramatically reduced. The approach to the Georgian character should not purely be in how the units are dressed but how the front gardens and drives are finished. Strong use of estate railing/fencing to continue the character through.
- As above, use of block paving to driveways again provides a degree of quality to the dwellings and public realm. Tarmac should be purely focused to adoptable highways only.

We strongly recommend that the approach taken at Winchester Village by the developer is reviewed in further detail where the level of detail and approach to quality is in line with our vision of this parcel. Given the exemplar site is that of the applicants/developers we see little justification around alternative approaches given the married approach in concept and character being strived for by the applicant team. We would be happy to explore the development (via google earth) to understand the key approaches taken at Winchester Village and this application site.

As outlined within the table above, the gateway buildings of the commercial and apartments is considered wholly unacceptable. The conflicting approach, scale and finish add nothing to the development where the approach appears to be focused to a more contemporary character. These key gateway buildings hold a lot of potential for this parcel where the built form can set a key precedent to the parcel but also neighbouring developments. We would recommend a full redesign to ensure this marries with the wider approach to the parcel.

Summary

It is considered some of the elements within the previous discussions have been addressed, it is still considered that the overall quality falls below the expectations of the Council. There is work to address the house types to ensure that the Georgian approach outlined by the applicant is delivered to portray this approach. The applicant/developer have delivered many high-quality developments in the Georgian approach where we see no reasoning where the change in quality should be compromised for Ely City Council and the wider Ely community. We have provided a clear steer and example of a development to ensure expectations can be matched or enhanced further in the quality of finish.

It is considered there are further opportunities to integrate the green infrastructure into the development rather than addressing the peripherals of the scheme. Further consideration around the use of landscaping to verges and the integration of street tree planting will help achieve this.

There are several smaller details which will have a larger impact on the quality of the development, these include boundary treatments and hard landscaping strategies. As outlined above, tarmac should be focused to the adoptable highway only.

The sports pavilion is again simplistic and basic in its approach. As outlined before there is further opportunities to design a building which provides a focal reference to the development. The brick block will provide a function but will detract from the wider place making principles of the development. There was also no reference in how a community build could be self-sustaining ensuring running costs a reduced or omitted.

Overall, the amendments made are positive but it is considered the scheme

has work to be undertaken to bring it to the level of quality expected for Ely North. Review of house types, public realm, sports pavilion, and landscape approach are necessary.

Urban Designer (Place Services – following amendments) - 15 September 2021

Summary

We would consider the submitted proposals provide elements of strong layout and approaches in line with the design code. However, the main weakness of the application falls with the approach to built form. The repetitive approach to Georgian architecture is unsuccessful and in turn creates a generic and monotonous approach to residential design. We have provided constructive feedback and relied on past development undertaken by the developer to set a clear benchmark in the quality expected. We would consider the approach to architecture can go further. With the concerns surrounding the architecture we find it hard to justify the application against paragraph 134 of the NPPF and would recommend the approach to built form is reviewed. Should the above comments not be taken onboard, or the applicant disagrees, we recommend the application is presented to a Design Review Panel for further independent clarity.

Urban Designer (Place Services – following further amendments) – 22 October 2021

Following a detailed review of the amended application of the above site, we consider the application to have considered comments made, where the submitted documents are considered to be compliant with the Design Codes and in turn meet the requirements of the site.

It is noted the key changes around the approach to the apartment blocks, inclusion of mock sash windows, review of glazing bars and alternations to quoining and door surrounds/frames. These amendments see an enhancement in quality to the application going forward.

We would advise East Cambridgeshire District Council to ensure conditions are applied to the external materials to all residential dwellings, apartments, and cricket pavilion to ensure quality is delivered. Sash windows should be conditioned to again ensure the product specified meets expectations, and landscaping details, in particular tree sizes and tree pits from an urban design perspective are requested.

5.14 Anglian Water Services Ltd - 25 August 2021

Wastewater Treatment

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

Used Water Network

We have reviewed the applicant's submitted foul drainage strategy and flood risk documentation and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Condition 25 of the outline planning

application 13/00785/ESO to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

We have reviewed the applicant's submitted surface water drainage information and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible.

5.15 **Housing Section - 10 May 2021**

The Strategic Housing Team supports the above application as it will deliver 18% affordable housing on site and will meet the required tenure of 70% rented and 30% Intermediate Housing in accordance with the approved s106 agreement.

The affordable housing mix proposed will meet the housing needs of those households in Ely as well as helping towards meeting the Councils overall affordable housing need.

5.16 **The Ely Group of Internal Drainage Board - 14 May 2021**

This application relates to discharge of reserved matters in connection with Phase 2a of the North Ely Development, referred to in the application as Orchard Green. The land being to the west of Lynn Road Ely. The development is to consist of 258 homes, 4 retail units and 4 sports pitches. A drainage strategy is provided, as are calculations to support the strategy.

The site is not in an IDB district, but the runoff will drain into the Littleport and Downham District.

The development is a phase of a larger development which was granted outline planning permission, and as part of that process the IDB was consulted and provided a response under cover of a letter dated 27th July 2016. The outline planning application being reference 13/00785/DISA. The IDB response being that the discharge from the development should be limited to the green field discharge rate

and as the site is outside the IDB District, the IDB would support any other comments that the LLFA would make.

The report accompanying the proposed development gives results from the assessment of the green field run off rate and proposes the discharge be attenuated to this figure. However, the figure used is the Qbar discharge rate (Qbar being the mean annual return period which equates to a return period of approximately 2.3years). It would be anticipated the reference by the IDB to green field discharge is to the 1 in 1 yr. discharge rate. The report therefore proposes an attenuated discharge of 30.091/s, whereas the 1 in 1-year calculated rate is 26.891/s (the contributing area has been stated as being taken as 50% of the development area, with the development area being 21.53ha and the contributing area being 11.84 ha, which is slightly more than the 50% figure suggested. The usual IDB rate of 1.11/s/ha calculates to 13.021/s discharge rate).

Accepting the 1 in 1-year discharge rate, which would appear to have been correctly calculated in accordance with JH124, the proposed attenuated discharge rate appears high by 3.21/s taking into account the IDB comments and on which the outline planning was granted.

A further comment is that an existing ditch is to be used to transfer the water from within the development to the attenuation facility. The flow from the ditch being diverted into the attenuation lagoon before outflowing via a controlled outfall incorporating a hydrobrake. Therefore, the principle of using the developed area to calculate the flow, and hence attenuated volume is questioned. Unless the ground levels are to be adjusted such that the ditch does not receive run off from undeveloped areas, then the flow in the ditch will be greater than that from the developed area alone and should include run off from the undeveloped areas also. This will not influence the flow to the IDB District but could result in the attenuation facility having insufficient capacity.

- 5.17 **Environment Agency** - 4 May 2021
We have reviewed the information submitted and have no comment to make on this application.
- 5.18 **Natural England** - No Comments Received
- 5.19 **Ely Cycle Campaign** - No Comments Received
- 5.20 **Infrastructure & Strategy Manager - ECDC** - No Comments Received
- 5.21 **NHS England** - No Comments Received
- 5.22 **CCC Growth & Development** - No Comments Received
- 5.23 **Conservation Officer** - No Comments Received
- 5.24 **Strategic Planning** - No Comments Received
- 5.25 **Minerals and Waste Development Control Team** - No Comments Received

- 5.26 **Parks and Open Space** - No Comments Received
- 5.27 **Community & Leisure Services** - No Comments Received
- 5.28 **Cambridgeshire Archaeology** - No Comments Received
- 5.29 **Ward Councillors** - No Comments Received
- 5.30 **Consultee for Other Wards in Parish** - No Comments Received
- 5.31 A site notice was displayed near the site on 7 May 2021 and a press advert was published in the Cambridge Evening News on 6 May 2021.
- 5.32 **Neighbours** – 166 neighbouring properties were notified and the responses received are summarised below. 2 letters have been received, neither in support nor objecting. A full copy of the responses is available on the Council's website.
- Generally, welcome the plan, especially the new open spaces/public walks/proposed cricket pavilion;
 - Where are 4 retail units?
 - Other than open space, it is not clear what other amenities are going to be introduced to cater for the families that would be moving to the area, e.g. what about for the smaller children?
 - Concern about landscape impact and views.
 - Proposed trees and landscaping features are ornamental and small. This would not contribute to biodiversity as much as native species would. Provenance of trees is important.
 - Proposed swales, along the western perimeter are a cause for concern as this could become dead space which might become a magnet for ant-social behaviour whereas it could provide part of natural play provision as an extension of the trim trail.
 - Proposed use of herbicides to clear weeds for 12 months is a concern.
 - The cricket pitch should have more vegetation around it.
 - Prevalence of so-called private roads on the plan is a concern leading to possible adoption concerns.
 - How does the Spine Road and tertiary street extending to the north of it relate to the alignment of the Roman Road and could these alignments be tweaked to allow greater interpretation of thus nationally significant heritage asset?
 - Why no specification of solar panels on houses?
 - I will be sad to lose the peace and quiet of the area and especially views of the cathedral. However, I can see the potential for the proposed country park to become an amenity for Chettisham inhabitants.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development

HOU 1	Housing mix
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 1	Location of retail and town centre uses
COM 4	New community facilities
COM 7	Transport impact
COM 8	Parking provision
ELY 1	Housing-led sustainable urban extension, North Ely

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

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

Flood and Water

Natural Environment SPD

Climate Change SPD

North Ely SPD

6.3 National Planning Policy Framework 2021

2 Achieving sustainable development

5 Delivering a sufficient supply of homes

6 Building a strong, competitive economy

7 Ensuring the vitality of town centres

8 Promoting healthy and safe communities

9 Promoting sustainable transport

11 Making effective use of land

12 Achieving well-designed places

14 Meeting the challenge of climate change, flooding and coastal change

15 Conserving and enhancing the natural environment

16 Conserving and enhancing the historic environment

6.4 Planning Practice Guidance

6.5 National Design Guide, 2019

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are the principle of development, housing mix and density, character and appearance, residential amenity, green infrastructure and landscaping (including sport infrastructure), traffic and transportation and ecology.

7.2 Principle of Development

- 7.3 Policy ELY1 of the Local Plan, 2015 allocated approximately 210 hectares of land for a mixed-use urban extension of up to 3000 dwellings, 2 primary schools, sufficient employment uses to deliver approximately 1300-1500 jobs; two local centres providing retail and community facilities; and an extension of Ely Country Park. A Strategic Master plan has been prepared for the whole area in order to bring together Endurance Estates, the promoters of the western half of North Ely and the Church Commissioners, landowners of the eastern half of the allocation.
- 7.4 The North Ely Supplementary Planning Document (North Ely SPD) then sets out the planning requirements for the development of this new community, indicating the design and development principles that must be met to enable a 'special extension to a special city'.
- 7.5 As stated above, outline planning permission for the residential led development of up to 1200 homes with associated employment and community uses (including care home and an extra care home), supporting infrastructure and open space/landscaping on land to the West of Lynn Road was granted on 20th June 2016. The S106 Agreement attached to the planning permission secures the provision of affordable housing across the site together with the open space. A number of financial contributions towards matters such as business support, education and highway improvements are also secured through the Agreement. In addition to this, an application to modify the S106 was approved in March 2021 (Ref: 19/00702/MPO) which confirms the affordable housing quantum across the wider site, with another viability review due before Phase 5, and to secure the early delivery of the new roundabout on the A10 as part of Phase 3. A further deed of variation application was submitted in 2019 (Ref: 19/00299/MPO) which sought to vary the S106 agreement to include a new paragraph to be inserted in Schedule 4 in relation to the delivery of the extra care facility (a future Phase 2B) and a revised appendix 9 relating to the specifications for the cricket facility scheme (replacing the original agreement at appendix 9).
- 7.6 One of the two primary schools to be delivered as part of the North Ely extension has already been constructed by Cambridgeshire County Council and has been taking pupils for the past 6 years (Isle of Ely Primary School). The Care Home, known as 'The Orchards', has also been constructed and is now occupied. The Isle of Ely Primary School and the Care Home are located to the South of the land that forms part of this reserved matters application and is accessed via a section of the Spine Road constructed to facilitate the school and open up the remainder of the Endurance Estates land in later phases. Phase 2 is shown on the Land Use Parameter Plan as residential, 4x retail units and option for a community building adjacent to the cricket pitch (the proposed cricket pavilion). Phase 2A accords with this parameter plan.
- 7.7 Endurance Estates have discharged a number of strategic site-wide planning conditions that will inform all future reserved matters applications. These include a site-wide phasing plan and strategies for the provision of broadband, foul and surface water drainage. Matters such as a site-wide biodiversity strategy and specification for a noise bund alongside the A10 have also been addressed in the discharge of condition applications.

7.8 This third reserved matters application will bring together the North Ely vision set out in the adopted policy and the current built form emerging on Phase 1, Phase 3 and Cam Drive. The North Ely SPD seeks to use neighbourhood areas, character areas and development typologies to promote gradual transition from urban to rural character. There are 4 development types identified on the outline approval parameter plan for the Orchard View, Orchard Barn, Two Mills and Long Fen character areas which are located within this phase. These are:

- Suburbia
- Green Living
- Urban Village
- Local Centre

Long Fen is a landscape character area where there is no built development and would assimilate itself with the soft landscaped buffer alongside the A10.

7.9 The fifth layer of development form is to be found in the character areas referred to in the North Ely SPD as being based on development patterns and materials palette, which make each character a distinct unit with its own identity. This reserved matters application takes in essentially 4-character areas, with its own character descriptions. In accordance with the outline planning permission Endurance Estates has prepared a Design Code for each of these character areas, which have been submitted to and approved by the Local Planning Authority under the guidance of Place Services, the LPA's Urban Design Consultants. The Design Codes are addressed in further detail in the following material considerations.

7.10 Housing Mix and Density

7.11 The mix of housing across the site should be informed by local need and this is reinforced in condition 49 of the outline consent, through Policy HOU1 of the Local Plan and through the Developer Contributions SPD. The North Ely SPD seeks to secure a low/medium density across the whole of North Ely with a wide range of dwelling types, size and tenure to be provided, creating choice, a varied building form and meeting community needs.

7.12 The S106 Agreement sets out an affordable housing requirement of 10% for the first two phases of development on the Endurance Estates land. Phase 1 has delivered 10%, Phase 3 (although was the second phase of development) will deliver 10%, in accordance with the S106 agreement. A deed of variation application which deals with a second viability review was submitted and was completed in March 2021 to confirm the quantum of affordable housing across the site (Ref: 19/00702/MPO). Phase 2A will deliver 18% affordable housing in accordance with this deed of variation. A further viability review would need to be submitted before Phase 5, to ensure that the development, as a whole meets the local housing need, depending on market conditions at the time.

7.13 Vistry are therefore proposing to construct 258 dwellings which includes 46 affordable dwellings in accordance with the requirement to provide 18% affordable housing at this stage.

7.14 The application proposes the following mix of market dwellings:

- 7 x 2-bed apartment (3%)
- 31 x 2-bed house (15%)
- 93 x 3-bed house (44%)
- 73 x 4-bed house (34%)
- 8 x 5-bed house (4%)

TOTAL: 212 dwellings

The affordable dwellings are split in the following way:

- 8 x 1-bed apartment (17%)
- 6 x 2-bed apartment (13%)
- 16 x 2-bed house (35%)
- 14 x 3-bed house (30%)
- 2 x 4-bed house (4%)

TOTAL: 46 dwellings (32 affordable rent, 14 shared ownership)

7.15 The Council's Housing Strategy and Enabling Officer has accepted the mix of affordable units and confirms that it addressed local need and meets the requirements of the outline planning condition and S106 agreement. The affordable dwellings are spread across the site in small clusters and are tenure-blind designed to blend in with the market dwellings.

7.16 Policy HOU1 of the Local Plan requires new development to provide an appropriate mix of dwelling types and sizes that contribute to current and future housing needs, including a proportion of Lifetime Homes, but does not set a fixed mix. The North Ely SPD further explains that the development will be a cohesive community with a range of housing types and size, that will create a varied building form and meet community needs.

7.17 In accordance with Policy HOU1 of the Local Plan the proposed mix has been informed by local housing needs and characteristics, while keeping in mind the need to create a balanced community. In their Planning Statement, it is stated that Vistry has a good working knowledge of the local housing market, which indicates a high demand for 3- and 4-bedroom homes in the area. It is also noted that the proposed mix broadly reflects the housing mix provided on previous schemes on Orchards Green by Hopkins Homes and Taylor Wimpey.

7.18 It is considered that the proposed housing mix will help to create a well-balanced community that will accommodate a range of homeowners, including first time buyers, young couples, and growing families looking for a home that they can 'grow into'. The smaller homes will also be suitable for older people looking to downsize from larger properties.

7.19 Condition 53 of the outline permission requires at least 20% of all dwellings to be designed and constructed to Lifetime Homes standards. The submitted Lifetime Homes plan indicates that 55 (21%) of the homes will be built to this standard and therefore meets the requirement of this condition. Condition 51 of the outline permission also requires 20% of all dwellings to facilitate home working by being

Flexible dwellings. A plan showing flexible dwelling has been submitted, equating to 52 homes across the site, and therefore complies with this requirement. The relevant homes will be equipped with a room or study area that can be used as a home office, allowing residents to work from home effectively.

- 7.20 As stated in this report, the application site spans across 4 of the character areas set out in the outline consent and for which there is an approved parameter plan. All of the residential plots are spread across the Orchard Barn, Orchard View and Two Mills character areas, which includes the 4x retail units, the cricket pavilion and sports pitches. There is no built development on the Long Fen character area as this is all open space and forms the green edge of this phase of development. The Urban Design Framework Parameter Plan designates a range of building heights across Phase 2A, with 2-3 storeys in the east adjacent to Lynn Road, 2-2.5 storeys in the north-east and centre and 2 storeys in the west of the site. In accordance with the parameter plan, the majority of the proposed homes are 2-storeys in height as illustrated on the submitted Building Heights Plan, with some 2.5-storey homes functioning as 'landmark features' in key locations, in accordance with the parameter plan. The proposed apartment block buildings are both 3-storey in height to accommodate the retail units on the ground floor. A further 3-storey apartment building is located adjacent to the northern retail unit. This is also in accordance with the approved Urban Design Framework plan. The proposed housing layout also shows a development edge along Lynn Road that provides enclosure and a development edge around the cricket pavilion that has varied character with increased permeability. Linear tree planting is shown across the main streets and green spaces, as well as the retention of existing vegetation. Landscaping will be assessed in more detail further on in this report.
- 7.21 In terms of housing density, the proposed development as a whole will achieve an average density of 40 dwellings per hectare (17 dwellings per acre). This average density allows for the formation of different densities across the development's character areas, as required by the approved Design Code, which sets maximum densities for each character area. These different densities aim to provide a hierarchy of dwellings from large, detached properties with generous plots through to smaller terraced forms allowing for a variety in the proposed street scape and household types.
- 7.22 The table below illustrates the density that will be achieved across each character area in Phase 2A and how it is compliant with the approved Design Code. Orchard Barn (plots 1 -17, plots 54-73, plots 74 -110, plots 173 – 258) has a higher density focussed around the Local Centre, which contains apartment buildings fronting onto Lynn Road, with a strong development edge. Orchard View (plots 18 – 53) has a medium density, being located close to the Local Centre and being of the 'Urban Village' typology. Two Mills (plots 111 – 159) will have the lowest density, with permeable development edges and homes fronting onto the strategic open space. Long Fen does not have a density requirement as there will be no built development on here.

Character Area	Maximum Density	Proposed Density
Orchard View	40dph (17 dpa)	30dph (12 dpa)
Orchard Barn	48dph (19 dpa)	35dph (14dpa)
Two Mills	25dph (10 dpa)	24dph (10 dpa)
Long Fen	No development	No development

Note: dpa = dwellings per acre

7.23 Character and Appearance

7.24 The application has been the subject of extensive pre-application discussions from 2019, centred on the layout and design of the development and the relationship of the built form with the green spaces within and around the site, and with the urban edges of the site where it meets Lynn Road. Detailed discussions also took place about the design of the cricket pavilion and how this is integrated within the scheme. Each of the character areas are distinctive, however they are defined by green corridors, the cricket pavilion and sports pitches and foot and cycle paths merging with the green spaces that surround the site (Long Fen). A new cycle way/footway is to be provided on the western side of Lynn Road between King Edgar Close and the proposed emergency access junction. This will ensure that there is connectivity from the site to the wider area. The application has been significantly amended twice to overcome concerns raised by the Council's Urban Design Consultant relating to design and layout. Whilst the number of dwellings, and general layout has not changed, the design and detailing of the buildings, and how they address the street (and each other) have been amended which better reflects the requirements of the Design Codes and the North Ely SPD.

7.25 The proposed built up areas are punctuated by green corridors, swales and defined by the Long Fen green edge along the A10, which extends up to the edge of Chettisham. The proposed swales abut the northern and western side of the site with another swale corridor separating the Orchard Barn and Orchard View character areas, to the South of the site. The Long Fen character area complements these green corridors by retaining the existing hedgerow along the A10 and formalising this green open space with further landscaping features and the children's Trim Trail proposed on the western edge of Long Fen. Landscaping and open space will be addressed in more detail further in this report. The green infrastructure also provides an opportunity to enhance biodiversity and has been examined in detail as part of the biodiversity strategy submitted with the application.

7.26 The main access points to the character areas are in accordance with the Access Parameter Plan. The site can be accessed from various points from Lynn Road on the eastern boundary. The main vehicular access is located just south of the land reserved for the future extra care facility (Phase 2B), and will connect to the internal spine road. A secondary vehicular access is located on the southern boundary, north of the existing Davison Road junction. In accordance with conditions 31 and 32 of the outline consent, details of these vehicular access junctions have been submitted and are agreed by the Local Highways Authority. To the north of Phase 2B (extra care facility site), is an emergency vehicular access that will serve as a temporary construction access before being blocked off by bollards. All three vehicular access points will also be constructed to accommodate cyclists, and

footpaths for pedestrians. Additional pedestrian only connections points will be provided; one located roughly mid-way between the main and secondary accesses, and the second on the northern boundary. Transport and traffic will be assessed in more detail further in this report.

- 7.27 The Council's Urban Design Consultant raised some significant issues with the original design and layout, including the cricket pavilion, and the scheme has been largely amended twice following further comments and meetings to resolve these issues. The built form within each of the character areas are designed to produce a variety of scales and enclosures to create a successful townscape, in accordance with the approved Design Codes. The main design approach/theme across the site is of a Georgian style to reflect the Georgian character of Ely. The design solution for the site reflects the variety in townscape form that can be seen in Ely and in particular the area surrounding the site, as well as the requirements of the approved Design Codes. The design of the development proposals is based on the principle of the perimeter blocks that enclose back gardens, with key block corners highlighted through building design, as well as ensuring active frontages overlook streets and open spaces wherever possible. This is in accordance with the approved Design Code requirement. Corner plot buildings have been designed to positively address both the street frontages as far as possible. This can be seen in plots 84 - 85 and 184 – 185 where this has been amended to introduce a built form which achieves this, creating focal buildings, and re-defines this important junction.
- 7.28 Green infrastructure is a key organising element of the masterplan, aiming to ensure a site-specific identity is created. The proposed development has been shaped by the proposed new sports pitches (with the new cricket pavilion), and the Long Fen Country Park, which accords with the requirements of the approved Design Codes. Existing tree and hedgerow planting have been retained wherever possible within the proposals.
- 7.29 Phase 2A is located further north than Phases 1 and 3, therefore there will not be the natural built form transition from either of the previous phases. The main existing built form to note are the properties opposite the site at Davison Road and the separate development currently under construction at Twinwood, Chettisham, for 24 dwellings. Twinwood does not fall within the wider North Ely development and therefore would not follow the same typologies or development type as the ones we are seeing coming forward as part of North Ely. However, the northern edge of the Orchard Barn character area will be adjacent to this site and therefore is a material consideration, likewise the existing built form on Davison Road, to the east of the site. There are no specific existing features which the proposed development aspires to because the site is essentially a blank canvas and is otherwise directed by the requirements of the Design Codes. Therefore, it is considered that the proposed development would not be introducing any features or designs that would be alien to this locality that would otherwise erode or compete with the existing character and appearance of the area.
- 7.30 The Design Codes for each of the character areas set out a broad range of materials that are reflective of Ely and its variety of architectural styles. The proposal would see a palette of materials that would be spread across the 3-character areas (with different distinctive architectural detailing) which would include a variety of cream, buff and red bricks to match the Ely palette. Roughcast render

in cream and white would also feature, alongside dark coloured weatherboarding. For the roofs, a mix of slate-effect and concrete roof tiles in blue/black, brown and red. Some dwellings would also feature chimneys to reflect Ely's heritage and to help break up the roof forms and provide visual interest across the roof scape. Box style dormers are proposed on a number of dwellings, however no specific details of the materials to be used for these have been submitted, and we could append a condition to request further details, which is included in the list of recommended conditions in appendix 1 (condition 16). The proposed apartment blocks (Plots 1-6 and plots 253 – 258) which will also include the 4no. retail units at ground floor level were re-designed following concerns from the Council's Urban Design Consultant about its relationship with the wider site and its own architectural language. The amended design now seeks to follow the Georgian language style of architecture that would be adopted across the site, using appropriate materials and architectural details, which is now supported by the Council's Urban Design Consultant. A further plan was submitted to specify the architectural details that would be used on the door canopies and surrounds, quoin and brick detailing, additional window detailing (which shall include mock sash windows and additional cottage style glazing bars), and window head and sill detailing (stone). This is also considered to be acceptable. However, no further details of the dormers have been submitted, and therefore this would be subject of a condition requiring these details (condition 16).

- 7.31 The cricket pavilion is required to be delivered as part of the obligations of the S106 agreement for Phase 2. A deed of variation application was submitted in 2019 (Ref: 19/00299/MPO) which amended the wording of Appendix 9 of the S106 agreement which revises the specifications of the cricket pitch facility and Trim Trail which is to be delivered as part of Phase 2A. The committee report clarifying the modifications is attached as appendix 2. However, the modification essentially clarifies the layout of the sports pitches and cricket wicket and seeks to re-locate the Trim Trail, from the sports pitch, to the Long Fen country park area instead. The modification also ensures that there will also be provision for the storage of grounds maintenance equipment in a separate secure store abutting the cricket pavilion.
- 7.32 The Council's Urban Design Consultant and Officers raised concern about the original design of the cricket pavilion and questioned the opportunity to bring forward a more creative design that would make a statement. The building would be positioned in the north-eastern edge of the sport pitches area with parking to the rear. It would be orientated so that it faces onto the open space. The proposed cricket pavilion is of a traditional design, and is a functional building providing the accommodation and facilities which meets the requirements of the Ely Cricket Board and Football Association. The building would also include the installation of PV panels on the roof, which increases its green credentials and allows the building to be more sustainable for the future, without costly future maintenance.
- 7.33 The building has been amended to include a screen added behind the doors within the changing areas to maintain privacy, increasing the primary changing areas to 29sqm/312sqft (left) and 33sqm/355sqft (right), halving the plant/pump room to create additional storage accessed off the main hall, and increasing the main hall size to 83sqm/893sqft. The external bin store was also relocated (remaining within 10m/108sqft of the adoptable highway for waste collection purposes) and a new external scoreboard was incorporated. In response to the Ely Cricket Board

recommendations regarding the 3m/32ft high demountable netting, the plans have been amended to show the netting following the norther boundary rather than the boundary of the cricket outfield. The netting has also been extended in the south-east to cover the gap that was previously there. The revised netting is clearly shown on the submitted Enclosures Plan (P19-0247_31D). The cricket pavilion also accords with the specifications of the modified appendix 9 of the S106 agreement, including the added separate secure store attached to it. In terms of its design and wider impact, the building is single storey in scale and would not detract from the area or be overbearing in the locality and wider landscape. Therefore, on balance, whilst the building is not considered to be exceptionally high quality, it is functional and meets the requirements of the specifications set out in the S106 agreement and the end users, and is acceptable.

7.34 It is considered that the scheme has overcome the concerns that have been raised in relation to character and appearance and that it addresses a core principle of the North Ely SPD to design buildings to ensure architectural and design variety and complies with the approved Design Codes. The amended plans also ensure that the built form responds to and draws references from the rich historic townscape in central Ely, in accordance with Policy ENV2 of the Local Plan, 2015.

7.35 Residential Amenity

7.36 The scheme has been designed in accordance with the East Cambridgeshire Design Guide SPD taking into account the requirement to provide sufficient plot sizes and amenity space. Attention has also been given to the need to ensure that the minimum distance of 20m/66ft between rear inter-visible windows is maintained and it is considered that future occupiers of the scheme will enjoy a satisfactory level of amenity.

7.37 The majority of the proposed scheme does not back onto any existing buildings. The only area that the proposed development currently meets built form is a small section to the north-east of the site. This area abuts the site currently under construction for 24 dwellings at Twinwood, Lynn Road, Chettisham (Ref: 19/00748/FUM). From the approved block plan, it appears that there are 4 residential properties and their rear gardens that back onto the site (Plots 9, 10, 11 and 12). However, from the proposed layout plan, the built form of the application in front of Members is set back by approximately 30m (98ft) to the rear boundary of the site. A landscaped buffer also helps to separate the distance between the two sites and would also help to provide a noise buffer. It is therefore considered that the separation distances are acceptable and would not give rise to any undue harm to residential amenity to the occupiers of Twinwood or future occupiers of this development.

7.38 In accordance with the outline planning permission a noise assessment has been submitted with the application. In addition to this a Noise Memorandum has been submitted to clarify on the current changes to the layout from their previous noise assessment. The noise memorandum also provides models to show the noise impact levels during the day and at night. The site is situated close to the A10 and the layout would mean that there would be a small number of dwellings closest to the A10, which may experience higher ambient noise levels than the other units on the site. The plots that would be most affected would be Plots 135 – 138 and 145 –

147 (7 plots in total). These plots are on the edge of the Two Mills character area, on the north-western side of the site. The noise memorandum seeks to explore the impact on these plots in greater detail and advice was given to review these plots and to ensure that noise can be mitigated as far as practicable, to safeguard amenity for the future occupiers. The Environmental Health Officer has advised that there are no objections to the scheme from a noise perspective. However, Policy ENV2 of the Local Plan seeks to ensure that all new developments should ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity. Furthermore, Policy ENV9 of the Local Plan seeks that all new developments should minimise, and where possible, reduce all emissions and other forms of pollution, including light and noise pollution.

- 7.39 The applicant has reviewed the scheme, and particularly these plots, and have re-designed them by introducing an additional window on elevations unaffected by noise that would allow acceptable noise levels to be achieved for all habitable rooms on 5 of the 7 affected plots with open windows (plots 135, 136, 138, 146 and 147). For the remaining two plots (plots 137 and 145), acceptable noise levels could be met in all rooms except for the living room and bedroom 1 (this is purely because windows cannot be provided on alternative elevations that are not affected by noise for these rooms). Therefore, based on the revised plans, acceptable internal noise levels would be achieved for all habitable rooms with an open window except for four rooms across two plots. The exceedance in noise levels for these four rooms would be marginally above the acceptable noise threshold. Ultimately, having dwellings near main roads, is challenging, but it was accepted at the outline stage that dwellings would be located in this section and a degree on higher noise levels would be expected by future occupiers. In this case, the number of plots affected is very low and it is considered that the developer has managed to review the majority of these plots to protect future occupiers from excessive noise levels whilst still being able to open their windows. Therefore, on balance, it is considered that the scheme is acceptable on this basis.
- 7.40 In terms of boundary treatments, there are several types ranging from 0.9m (3ft) high ball top railing, 1.5m (5ft) timber fencing with 0.3m (1ft) trellis on top, 1.5m (5ft) brick wall with 0.3m (1ft) trellis on top, 1.8m (6ft) timber fence, 1.8m (6ft) brick wall, together with a 3m (10ft) high demountable netting, proposed hedgerow planting, emergency access bollards and gates for access into rear gardens. The brick walls are used where boundary lines are visible in the public domain or where it backs onto a parking court with the close boarded fencing being used between plots within private areas which are all acceptable and provide adequate screening between private and public spaces. These details are therefore acceptable and provide adequate residential amenity for future occupiers.
- 7.41 Subject to the measures outlined above being incorporated into the development it is considered that, on balance, future residents, would enjoy a satisfactory level of ventilation and will not be adversely affected by noise to any significant level. The proposal therefore complies with Policy ENV9 of the Local Plan in this regard. Furthermore, the proposal as a whole is also acceptable in terms of the impact on over-looking, over bearing, plot sizes, and amenity spaces. All other matters relating to residential amenity comply with the requirements of the Design Guide SPD, the approved Design Codes, and Policy ENV2 of the Local Plan, 2015.

7.42 Green Infrastructure and Landscaping

- 7.43 The North Ely SPD sets a vision for a significant amount of North Ely to comprise multifunctional green infrastructure, incorporated as an integral part of the design and layout of the development. This includes all types of green infrastructure, ranging from the Country Park to be provided in the eastern half of North Ely to gardens, green urban spaces and informal and formal play areas and sports fields. Green infrastructure should also provide for the recreational needs of the community as well as enhancing biodiversity and creating new habitats for wildlife.
- 7.44 As already mention in this report, the proposal conforms to the Landscape and Open Spaces parameter plan and the inclusion of green corridors and open spaces within the site, in accordance with the approved Design Codes. Since the consideration of the Phase 1 development, the Local Highways Authority is now allowing trees to be planted within the highway and they would be adopted as part of that highway by the County Council. Landscape design is a key component of creating a successful development for Phase 2A of Orchards Green. Phase 2A incorporates a significant amount of landscaping and open spaces. The proposed multi-functional green infrastructure is an integral part of the scheme and creates a strong landscape structure across the site, focused around the retention and enhancement of existing landscape assets wherever possible. Most importantly, it is the only phase on this side of North Ely which will provide the sports pitches, and the remainder of the County Park link, which are significant green assets and would, overtime, become an important hub for the local community.
- 7.45 The Landscape and Open Space Parameter Plan and the approved Design Codes have been the starting point in the design of the landscape strategy for Phase 2A, with the aim of thinking of the Orchards Green development as a whole first and ensuring an appropriate transition between the site and the surrounding countryside to the north. The delivery of the new green infrastructure and accessible open space has been a driving factor in the creation of new routes and spaces within the masterplan, and the landscape helps to further define the public and private space whilst adding colour, water and seasonal interest to the residential development. The landscaping strategy also helps to define the character areas of the scheme and as such have had regard to the character areas designated by the Design Codes.
- 7.46 Successful public spaces help create more attractive places to live and provide safer routes for users. From an ecological perspective the delivery of green spaces alongside development can increase flood protection and sustainable drainage, as well as providing better micro-climates and enhancing biodiversity. The proposed landscape strategy has also taken into account the requirements of the street hierarchy as required by the Design Codes.
- 7.47 The delivery of well-designed accessible and inclusive public spaces will offer residents spaces to socialise and engage with each other, encouraging interaction and opportunities to benefit from healthy lifestyle choices. The following 8 qualities of successful open spaces have been included as part of the proposed landscape strategy:

- Sustainability;
- Character and distinctiveness;
- Definition and enclosure;
- Connectivity and accessibility;
- Legibility;
- Adaptability and robustness;
- Inclusiveness; and
- Biodiversity

7.48 As a summary of the landscaping being proposed for each of the character areas and how they meet the requirements of the approved Design Codes, the following key landscaping designs will be incorporated:

7.49 Orchard Barn

- Formal frontages
- Formal Trees
- Urban street furniture stainless steel, powder coated steel or stone, focussing on locations along The Avenue (The Spine Road)
- Formal tree planting on both sides
- Formal plot boundary treatments along Lynn Road and The Avenue (The Spine Road) with metal fencing and low walls in combination with low level planting; strips of planting on smaller residential streets, and dwellings without front zones on small squares
- Green corridors. Retain existing vegetation and drainage patterns
- Overlooks central playing fields
- Foot/cycle paths throughout green corridors
- Access to main green link
- Views to Ely Cathedral from Lynn Road
- Fenland views – across formal recreation green space

The Orchard Barn character area is located off Lynn Road and forms the north eastern parcel of the site. The landscape will be informed by its townscape context to the east (Davison Road and beyond). The Orchard Barn character proposes formal tree planting with upright habit species, with formal hedgerow and shrub planting to plot frontages. Key plot frontages such as junctions will be planned with formal hedgerow planted and punctuated with topiary specimen shrubs planting. Plot frontages to Lynn Road and The Avenue (The Spine Road) will be planted with mixed low-level ornamental shrub beds to co-ordinate with the boundary treatment proposals. There will be tree planting to plot frontages where space permits with trees planted in hard landscape to feature block paved junctions.

Orchard Barn character area is defined by green corridors along its northern and southern extent. These green corridors compartmentalise residential parcels with landscape and reflect typical fenland drainage features (linear swales/open ditches) and will be lined and soften edges of the built form. These green corridors contain surface footpath routes that connect to the wider public open space areas and existing footpath networks. Swales will be seeded with wildflower meadow grassland and planted with marginal plug planting to the base of the channel.

7.50 Two Mills

- Formal arrangement and treatment of development around the cricket field as well as a more natural and loose treatment towards the green edge
- Plots along Long Fen edge design takes into account the rural/visual connection to landscape/views of the development edge – reflected in building forms, materials, arrangements and more rural landscape design/materials/planting
- The sports pitches at the centre of the area will be surrounded by formal building arrangement
- There will be small formal front gardens along the sport pitches with low level planting, low boundary walls and green trees to complement the structured, but continuous elevation
- Hedgerows will be planted and timber fencing erected along the green edge and along green links
- Intensively maintained sports pitch bordered by rural green links with grassland and meadows, containing linear tree planting and small groups of vegetation
- Street furniture will be incorporated comprising of stainless steel and timber along the Avenue (Spine Road) and the main street leading north, lower key furniture along the green edge
- Central playing fields
- Green corridors across the whole site, including swales and ditches
- Adjoins the Country Park (Long Fen) with footpaths connecting through from the site and beyond
- Retain existing trees/vegetation/drainage features
- Manage hedgerows and design new planting to allow views out across the Fens.

The Two Mills character area is defined by green corridors along its northern and western boundaries. These green corridors compartmentalise residential parcels with landscape and reflect typical fenland drainage features (linear swales/open ditches) and will be lined with hedgerow and tree planting to frame views of the wider landscape spaces and soften edges of the built form. Existing hedgerow to the west is to be retained and managed to help intervene views of built form from the country park landscape (Long Fen). These green corridors include surfaced footpath routes that connect to the wider public open space areas and existing footpath networks. The Swales will be seeded with wildflower meadow grassland and planted with marginal plug planting to the base of the channel.

The Two Mills character area will propose a more rural landscape character. Street trees will be of less formal habit with focus a focus on blossom trees species to encourage adjacent wildlife into this area. Plot frontages will be planted with mixed semi-ornamental shrubs planting punctuated with specimen shrubs) such as dogwood) and grasses (such as Carvex) for a more rural edge character.

The southern part of the character area will consist of the sports pitches and amenity space. This area will provide opportunities for football, cricket and other sports to be played. The proposals include provision for a cricket pavilion, with parking, practise nets, picnic and bench seating and surfaced footpaths links to the country park (Long Fen). The edges of the sports pitches are defined along its southern and western boundaries with landscaped liner swales and retention of

existing hedgerow. The northern boundary will have a property frontage with low level planting and ornamental trees and trees will line the Spine Road to the east.

7.51 Orchard View

- Main Streets tarmacked with formal tree planting and parking bays surfaced with small granite setts
- Residential spaces and peripheral streets to be surfaced with paving blocks with trees and parking integrated, but demarcated by materials; street parking
- Green links at northern and western boundary with linear tree arrangements set in grassland with drainage channels and pedestrian paths alongside, adjacent boundaries with low level planting
- Retain existing trees/vegetation/drainage features.

Towards the south eastern end of the site is a small portion of the Orchard View character area. The character area is defined by green corridors along its northern extent. Lynn Road to the east and the proposed spine road landscape to the west. The landscape will be informed by its townscape context and seeks to be formal in appearance with upright habit trees and ordered ornamental low-level shrub beds. The shrub beds will be punctuated with specimen shrubs (such as Phormium – similar to a Cordyline).

Similar to the Two Mills character area, the green corridors compartmentalise residential parcels with landscape and reflect typical fenland drainage features (linear swales/open ditches) and will be lined with hedgerow and tree planting to frame views of the wider landscape spaces and soften edges of the built form. These green corridors include surfaced footpath routes that connect to the wider public open space areas and existing footpath networks. The swales will be seeded with wildflower meadow grassland and planted with marginal plug planting to the base of the channel.

7.52 Long Fen

- Continuous landscape treatment throughout
- Strong ecological landscape design
- Linear cycle and footpath routes that interconnect with the green corridors through the development
- Space contains drainage areas for the development and offers the opportunity for these to become part of the ecological design with the aim of increasing the biodiversity
- Recreation spaces are rural in character and borrow from the development language of fen-edge drainage patterns and linear landscape features
- Long Fen incorporates noise attenuation features along the A10 (a noise bund has been approved alongside Phase 3 and the A10)
- Landscaped green edge, largely rural in character
- Paths made with permeable surfaces, meandering, but following the edges of drainage elements and linking into residential streets
- Low-key, plain street furniture made from natural materials, in keeping with the rural character of the space

- Tree planting following the organised pattern of the fen landscape with tree lines or small orchards where trees are cultivated in grids
- Linear water attenuation features along most of the edge with basins at the southern and northern end, landscaped to maximise ecological habitat
- Retain and replant existing vegetation and retain/introduce the drainage pattern to support development/open space landscape design; manage hedgerows and design new planting to allow views out across the Fens
- Views afforded by the level changes at the edge of the Isle of Ely overlooking the Fens

The Long Fen character area seeks to be an extension of the country park proposals to the south and draws upon its connection with the local fen land landscape character. Phase 2A will be delivering the remainder of the country park extension and therefore is considered to be a significant part of the green infrastructure for this side of North Ely. Surfaced footpaths (that follow that of the outline approved layout) weave through a linear naturalistic style landscape portraying characteristic of the local Fenland landscape character. The proposed Trim Trail is also proposed here, which is a change from the approved plan of having it on the sports pitches. The Trim Trail is proposed at 2 locations alongside the footpath network through Long Fen. 5 pieces of play equipment at each location, made of timber, will be erected in these locations to encourage natural play.

Native trees planted in grids/lines, retention of existing trees and hedgerows, new wildflower meadow grassland, and native scrub planting set the framework for a natural landscape style with minimal hardscape features (occasional timber bench seating). Towards the northern end of the character area existing ground levels and landform create opportunities for wider ranging views looking north-west of the local fenland landscape. Archaeological constraints at the northern most end of the country park restricts opportunities for tree planting. Habitat creation and ecology is the focus to the design with an attenuation basin provided to the northern end of the country park. The submitted landscape plans show that this basin will include planting and wetland meadow grassland creation. A separate application was submitted for a foul water pumping station which will be located on the western edge of the country park, within the Long Fen character area (Ref: 20/01675/FUL). This area will be sensitively landscaped so that the pumping station is not a prominent feature of the rural character. Access to the pumping station will be created from the A10 and has been approved under that application.

- 7.53 The North Ely SPD acknowledges the fact that the existing green infrastructure, including watercourses will be incorporated into the development and that they will form an integral part of the drainage strategy. A site-wide surface water drainage strategy has been approved as part of the discharge of condition application made by Endurance Estates prior to the submission of the Phase 1 application.
- 7.54 The Council's Tree officer has assessed the original landscaping, planting proposal and arboricultural details submitted for this phase and raised some concerns about some of the details. The amended plans submitted seek to overcome these issues and more recent comments from the Tree Officer advise that the amended landscaping plans are acceptable, although he is still concerned about the soft fruit

trees and their impact on pavements and roads when their fruit drops to the floor and could cause a safety risk due to slipping. The Local Highways Authority has also raised this as a concern. A condition requesting that soft fruit trees are not planted within 5m of the highway, including footpaths, is therefore recommended (condition 15).

- 7.55 It is considered that the proposed landscape strategy meets the objectives of the North Ely SPD and the approved Design Codes, in relation to green infrastructure and landscaping, and the requirements of Policy ENV1 of the Local Plan, and the Natural Environment SPD, in respect of landscape character.
- 7.56 Traffic and Transportation
- 7.57 The Access Parameter plan details the main vehicle, pedestrian and cycle points into the development and the current scheme accords with this plan. The main access point to this part of North Ely was approved as part of the outline planning permission, off Cam Drive. This is known as the Spine Road and continues through the site, across the different phases of development, and ends at the eastern side of Phase 2A, where it meets Lynn Road. As stated, a series of cycle paths and foot paths run through the site and around the development, connecting it with various points outside it. The scheme is therefore considered to promote walking and cycling over vehicle movements, in accordance with the North Ely SPD.
- 7.58 The application also seeks to secure the provision of off-site improvements for cyclists in accordance with condition 40 of the outline planning permission, which should include cycleway improvements between King Edgar Close and the proposed Local Centre (subject of outline application Ref: 11/01077/ESO – the western parcel of North Ely – also known as High Flyer Farm). These are details which are required to be submitted to the Local Planning Authority before, or in parallel with, the first reserved matters application within Phase 2, which is this application. The cycleway/footway would be a shared space, 3m in width, along the western side of Lynn Road between King Edgar Close and the emergency access junction, which then connects to the existing infrastructure and to Phases 4 and 5 to the north and south respectively, when those phases are built out in the future. The cycleway/footway would form part of a separate S278 agreement with the County Council. However, the details submitted are considered to be acceptable by the Local Highways Authority and as such complies with condition 40 of the outline permission.
- 7.59 In relation to the road design and layout, internally a ‘road hierarchy’ is proposed to assist in creating a well-designed layout that ensures safety and meets the needs of all users. Within the site the Spine Road will provide the main vehicular access route into the development from Lynn Road on the eastern boundary. The spine road provides the main route through Orchards Green development connecting from Lynn Road to Cam Drive to the south. As such, and in accordance with the approved Design Code, the spine road will be provided as a 6.5m wide carriageway with a 2m footpath on one side and a 3m shared cycle/footpath.
- 7.60 Linking off the spine road and providing connections between the character areas of Orchards Green are secondary streets. In accordance with the Design Codes, these will be provided as a 5.5m wide carriageway with a 2m footpath both sides.

Tertiary streets will be provided as a 5.0m wide carriageway with a 2m footpath both sides. In accordance with the approved Design Codes, these streets will be laid with tarmac of an adoptable standard, as will visitor parking bays and adoptable pavements. The raised table crossings will utilise block paving. From these streets, lower category 'lanes' will provide quiet streets within the development parcels, prioritising pedestrians and cyclists and allowing green spaces to be positively addressed. These lanes will be provided as 6.0m wide shared block paving with a 0.5m service strip both sides, in accordance with the Design Codes. All of the above hierarchy of roads will be offered for adoption and therefore built to that standard, as required by the Design Codes. The development and internal road network is designed to encourage low vehicular speeds and streets will be defined by the building layout, so that buildings and spaces, instead of roads, dominate the street scene. The design and layout will also promote safe walking and high permeability through the site and aims to limit the potential for anti-social behaviour. Street lighting will also be designed in conjunction with the street tree planting to ensure safe and acceptable levels of lighting throughout the development. All internal roads will be capable of accommodating emergency vehicles, as shown on the amended tracking plans. An amended refuse tracking plan has also been submitted which demonstrates that refuse vehicles can service the residential dwellings and the apartment blocks/retail units adequately.

- 7.61 The Local Highways Authority have raised many concerns relating to the internal road layout, tracking, and access safety. Amended plans have been submitted to address these concerns to ensure that the road network is safe and accords with current highway safety standards and the approved Design Code. The Local Highways Authority are now largely satisfied with the overall highway design, however, has advised that there are some minor adjustments that still need to be made to the cycle visibility splay and the 2m x 2m pedestrian visibility splay shown on drawing JKK9833-RPS-XX-XX-DR-C-0801-02 Revision P03, as they are currently obstructed by a visitor parking bay to the left, and therefore this visitor parking bay should be located elsewhere or removed. Further amended plans have been submitted and the Local Highways Authority are now satisfied with these amendments.
- 7.62 In terms of car parking provision, the Design Codes set out the key principles relating to car parking and a variety of methods can be utilised with the key objective of accommodating all resident parking on plot, within the curtilage, either to the front or the side of dwellings, within a parking courtyard or the adjoining street. The applicant has been encouraged to and has minimised the use of tandem parking following pre-application discussions, but the Design Codes acknowledges that in some cases on plot parking may involve two spaces, one in front of the other, or even garage parking to ensure compliance with Local Plan Policy COM8 (parking provision). The percentage of non-tandem parking across the site is 60% (compared with 59% on Phase 3 and 48% on Phase 1), and therefore the number of tandem parking is less than the majority provided across the site.
- 7.63 The proposed parking strategy complies with the Council's car parking standards and the Design Codes requirements, and provides future residents with a wide variety of choice. The site as a whole, meets the required average of 2 parking spaces per dwelling. A small number of parking courts, namely those associated

with the apartment blocks and the retail units, are proposed and these have been designed to ensure that they are overlooked, safe, secure and accessible whilst not dominating the street scene. The proposal would provide the following car parking spaces for each dwelling size:

- 1-bed and 2-bed apartments = 1 space per unit
- 2-bed homes = 2 spaces per dwelling
- 3-bed homes = 2 spaces per dwelling
- 4-bed homes = 2 spaces per dwelling, with 40 units (out of 73) also having unallocated garage spaces
- 5-bed homes = 2 spaces per dwelling and 1 unallocated garage parking space per dwelling

7.64 The total number of parking spaces are broken down as follows:

- Allocated parking spaces = 495
- Allocated garage spaces = 62
- Unallocated/visitor parking = 55 (includes 25 spaces for the cricket pavilion, 2 spaces to be disabled parking)
- **TOTAL = 612 (Phase 3 = 617)**

7.65 In terms of cycle parking, the proposed layout promotes cycling by providing convenient, attractive routes and well-designed streets (designed to low speeds). To support that, each dwelling has a secure, easy to access cycle storage within the plots. The cycle storage is provided in line with the approved Design Codes requirements, providing at least 2 x easily accessible spaces for each plot. Cycle storage is provided in either a shed within the back garden, or within a secure garage. For the apartment blocks and retail units, an integral or external cycle store has been provided, and is sufficient. Dedicated and sufficient cycle parking is also provided behind the cricket pavilion.

7.66 The Local Highways Authority advised that it will not adopt visitor parking bays within the highway unless they serve a highway function. They are also difficult to manage if they cannot be adopted. In this case it is considered that their location adjacent to areas of public open space and within car parking courts, meets this requirement. 56 visitor parking spaces are provided which is considered to be acceptable and in accordance with the approved Design Code. Policy COM8 of the Local Plan requires up to 1 car space per 4 units which should be 65 spaces. However, the provision is an 'up to' figure, and visitors have the potential to use the car parking area near the cricket pavilion. Furthermore, the total number of car parking spaces is only marginally less than the provision on Phase 3 which is for the same number of residential dwellings. On balance, it is considered that the location of the parking provision is adequate and complies with the approved design Code and Policy COM8 of the Local Plan, 2015.

7.67 A detailed Travel Plan has been submitted by Endurance Estates prior to the submission of the Phase 1 application and has been approved on the recommendation of the County Council. The Plan seeks to minimise the number of single occupancy vehicular trips generated by the development and to support more sustainable modes of transport. A Travel Plan Co-ordinator has been employed by

Cambridgeshire County Council in order to promote this issue further and future residents should benefit from these measures. Vistry will comply with the approved Travel Plan and ensure that the proposed measures, marketing, promotion and monitoring are delivered through this phase.

- 7.68 In addition, the developer is committed to providing electric vehicle charging points on some plots across the development in anticipation of the Future Homes Building Standards that is planned to come into force during the build out of Phase 2A, which will require the provision of electric vehicle charging points. Therefore, a condition requiring them to submit further details for the approval of the Local Planning Authority is recommended (condition 17) and would comply with the aims of the NPPF and the Climate Change SPD.
- 7.69 Ecology
- 7.70 A site-wide Biodiversity Strategy has been approved in relation to the Endurance Estates land. All reserved matters applications are required to submit a Site Biodiversity Survey and Assessment that demonstrates how it accords with the aims and objectives of the Biodiversity Strategy (as required by condition 14 of the outline permission).
- 7.71 The current application site is of limited ecological value, with the exception of the existing trees and hedgerows that are along the boundaries of the site which are potential habitats for bats and birds. The proposal is therefore seen as an opportunity to enhance biodiversity and ecology on the site. As detailed above the scheme includes the enhancement of existing green infrastructure and the creation of new features that will provide additional habitats. A sensitive lighting scheme will be employed to minimise disturbance to any habitats suitable for bats and appropriate construction methods will be utilised to avoid harm to other animals such as badgers.
- 7.72 The applicant has submitted a Biodiversity Strategy Assessment which has been assessed by the Cambs Wildlife Trust. An updated assessment was submitted to reflect the changes in the landscaping strategy and many of the principles in this report are also reflected in the green infrastructure and planting plans discussed above in this report as they are inter-twined and mitigation measures have been recommended for bats, birds and badgers. A condition would be reasonable to ensure that these mitigation measures are carried out to safeguard and enhance the wildlife and their habitats. An arboricultural statement and tree protection plans have also been submitted which would protect the trees on site and add to the site's biodiversity value. Approximately 273 trees are to be planted throughout the whole development. For the first five years, regular checks will be undertaken of the tree stock and replacements made of any dead or dying stock (November to March), in accordance with the specifications in the Landscape Management Plan.
- 7.73 Subject to compliance with the biodiversity and tree reports and landscape strategy it is considered that the proposal meets the objectives of the North Ely SPD in relation to the enhancement of biodiversity and creation of new habitats for the wildlife, Policy ENV7 of the Local Plan, 2015 and Policy NE6 of the Natural Environment SPD.

7.74 Other Material Matters

7.75 Condition 56 on the outline permission requires details of how waste will be managed on each phase. The applicant has considered the need for bin storage and collection areas on the development with all plots having adequate arrangements to both and complying with the Council's Waste Management Strategy, the RECAP (County Waste Management Strategy) SPD, and Policy ENV2 of the Local Plan, 2015.

7.76 Sustainability, in particular, the use of renewable energy, is an integral part of the scheme. The applicant has submitted an Energy Statement (amended), and a further plan showing an indicative solar PV panels arrangement across the site. Also, a separate Energy Statement for the cricket pavilion has been submitted. It is proposed that 23 plots, including the cricket pavilion will have solar PV panels installed on their roofs. The developer would also adopt a fabric-first approach to design which would comprise of energy efficient building fabric and insulation to all heat loss floors and high efficiency double glazing throughout. Other renewable energy systems were considered as part of the Energy Statement and concluded that the solar PV Panels were the most feasible and cost-effective system to be used on this development, and would meet Part L of the Building Regulations to provide a 10% reduction in CO2 emissions. To ensure the use of PV solar panels a condition is recommended to request further details of the exact plots of where the solar panels are to be installed, for our prior approval (condition 13). It is therefore considered to be acceptable and would accord with Policy ENV4 of the Local Plan, 2015, the approved Design Codes, the North Ely SPD and Policy CC1 of the Climate Change SPD.

7.77 In relation to drainage, and on a site-wide level, foul and surface water drainage issues were covered in the outline application. However, the LLFA and the IDB have raised a few issues with the proposed drainage strategy for this phase of development. Amended plans have been submitted to overcome these issues, and comments are awaited from the LLFA in relation to the impermeable area surface water run-off figures. It is understood that the amendments overcome their concerns. However, these comments will be included on the update sheet and referred to orally at the meeting. It is therefore considered, that subject to the comments from the LLFA, the proposal complies with Policy ENV8 of the Local Plan, and the Cambridgeshire Flood and Water SPD.

7.78 Matters addressed by conditions on the outline planning permission

7.79 Endurance Estates, the site promoter, has discharged a number of site-wide strategic conditions, including those relating to the phasing plan for the whole development, the biodiversity strategy, broadband strategy, foul and surface water drainage for the whole development. Vistry is required to address a number of other planning conditions attached to the outline consent prior to work commencing on site. In summary these relate to the following matters:

- Submission of a Construction Environment Management Plan (CEMP);
- Archaeology – part b of condition 18;
- Land contamination – parts a-d of condition 22;

- Fire hydrants;
- Green Infrastructure Plan for Phase 2A

An application to discharge conditions 12 (CEMP), 18 (Archaeology), 22 (Land contamination), and 27 (Fire Hydrants) has already been submitted and is currently under consideration (Ref: 13/00785/DISN).

7.80 Planning Balance

7.81 The applicant has submitted a scheme for 258 dwellings, 4no. retail units, sports pitches and a new cricket pavilion, that accords with the outline planning permission, the parameter plan attached to it and the approved Design Codes. This is the third phase of development (although it is identified as Phase 2 on the approved phasing plan) and would only deliver the housing, retail units, sports pitches and cricket pavilion and the remainder of the country park. The Extra Care facility would be submitted under a separate application in the future, which would be known as Phase 2B. Nonetheless, the proposal would deliver a significant urban extension to Ely and will provide a significant number of homes. The applicant has demonstrated that matters in relation to residential amenity, highways, waste management and drainage can be adequately addressed and the scheme complements the site's location close to the city centre, and the transition towards the settlement of Chettisham to the North. The applicant will build upon the details agreed at the outline stage and as part of the site-wide conditions in relation to drainage and green infrastructure and is committed to securing the off-site cycle and footway infrastructure improvements. On balance, it is considered that this reserved matters application does not give rise to any adverse effects that would outweigh the benefits of the scheme and therefore the application is recommended for APPROVAL.

8 COSTS

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

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

- No objections have been received from statutory consultees;
- The proposal is in accordance with the outline permission, the approved parameter plans, the approved Design Codes, and the North Ely SPD.

9 APPENDICES

9.1 Appendix 1 – Recommended Conditions

9.2 Appendix 2 – Committee report for 19/00299/MPO

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/00470/RMM	Angela Briggs Room No. 011 The Grange Ely	Angela Briggs Planning Team Leader 01353 665555 angela.briggs@eastcambs.gov.uk
13/00785/ESO 19/00299/MPO 19/00702/MPO		

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

North Ely Development and SPD -

<https://eastcambs.gov.uk/masterplans/north-ely-development>

APPENDIX 1 - 21/00470/RMM Conditions

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

Plan Reference	Version No	Date Received
C-0600-04	P02	30th September 2021
C-0600-05	P01	16th April 2021
C-0600-06	P01	16th April 2021
C-0600-08	P01	16th April 2021
C-0600-04	P02	16th April 2021
P19-0247-05 116	F	30th September 2021
P19-0247-05 117	F	30th September 2021
P19-0247-05 118	F	30th September 2021
P19-0247-05 119	F	30th September 2021
P19-0247-05 57	F	30th September 2021
P19-0247-05 40	F	30th September 2021
P19-0247-05 48	F	30th September 2021
P19-0247-05 50	F	30th September 2021
P19-0247-05 61	F	30th September 2021
P19-0247-05 63	F	30th September 2021
P19-0247-05 72	F	30th September 2021
P19-0247-05 83	F	30th September 2021
P19-0247-05 85	F	30th September 2021
P19-0247-05 86	F	30th September 2021
P19-0247-05 94	F	30th September 2021
C-114-01	P07	30th September 2021
C-114-03	P03	30th September 2021
C-0801-02	P03	30th September 2021
C-114-04	P03	30th September 2021
P19-0247-05 79	F	30th September 2021
P19-0247-05 114	F	30th September 2021
P19-0247-05 73	F	30th September 2021
P19-0247-05 77	F	30th September 2021
P19-0247-05 105	F	30th September 2021
P19-0247-05 106	F	30th September 2021
P19-0247-05 107	F	30th September 2021
P19-0247-05 12	F	30th September 2021
P19-0247-05 117	Aslin	30th September 2021
P19-0247-05 17	F	30th September 2021
P19-0857-02 115		30th September 2021
P19-0857-02 26	A	30th September 2021
P19-0857-02 27	A	30th September 2021
P19-0247-05 100	F	30th September 2021
P19-0247-05 98	F	30th September 2021
P19-0247-05 99	F	30th September 2021
P19-0247-05 101	F	30th September 2021
P19-0247-05 30	G	30th September 2021
P19-0247-05 31	G	30th September 2021
P19-0247-05 32	F	30th September 2021
P19-0247-05 33	F	30th September 2021

P19-0247-05 34	G	30th September 2021
P19-0247-05 35	G	30th September 2021
P19-0247-05 36	G	30th September 2021
P19-0247-05 37	G	30th September 2021
P19-0247-05 38	F	30th September 2021
P19-0247-05 87	C	30th September 2021
P19-0247-05 88	C	30th September 2021
P19-0247-05 90	C	30th September 2021
P19-0247-05 89	C	30th September 2021
P19-0247-05 91	A	30th September 2021
P19-0247-05 92	A	30th September 2021
P19-0247-05 93	A	30th September 2021
C-0600-01	P08	30th September 2021
C-0600-02	P06	30th September 2021
C-0600-07	P04	30th September 2021
C-114-02	P06	30th September 2021
P19-0247-05 124	F	30th September 2021
P19-0247-05 125	F	30th September 2021
P19-0247-05 126	F	30th September 2021
P19-0857-02 168	F	30th September 2021
P19-0247-05 127	F	30th September 2021
P19-0247-05 128	F	30th September 2021
P19-0857-02 129	F	30th September 2021
P19-0247-05 132	F	30th September 2021
P19-0247-05 45	F	30th September 2021
P19-0247-05 130	F	30th September 2021
P19-0247-05 131	F	30th September 2021
P19-0247-05 133	F	30th September 2021
P19-0247-05 134	F	30th September 2021
P19-0247-05 163	F	30th September 2021
P19-0247-05 136	F	30th September 2021
P19-0247-05 137	F	30th September 2021
P19-0247-05 138	F	30th September 2021
P19-0247-05 139	F	30th September 2021
P19-0247-05 141	F	30th September 2021
P19-0247-05 142	F	30th September 2021
P19-0247-05 143	F	30th September 2021
P19-0247-05 164	F	30th September 2021
P19-0247-05 144	F	30th September 2021
P19-0247-05 165	F	30th September 2021
P19-0247-05 166	F	30th September 2021
P19-0247-05 14	F	30th September 2021
P19-0247-05 160	F	30th September 2021
P19-0247-05 15	F	30th September 2021
P19-0247-05 145	F	30th September 2021
P19-0247-05 108	F	30th September 2021
P19-0247-05 146	F	30th September 2021
P19-0247-05 147	F	30th September 2021
P19-0247-05 19	F	30th September 2021
P19-0247-05 158	F	30th September 2021
P19-0247-05 148	F	30th September 2021

P19-0247-05 159	F	30th September 2021
P19-0247-05 149	F	30th September 2021
P19-0247-05 150	F	30th September 2021
P19-0247-05 151	F	30th September 2021
P19-0247-05 152	F	30th September 2021
P19-0247-05 153	F	30th September 2021
P19-0247-05 154	F	30th September 2021
P19-0247-05 155	EF	30th September 2021
P19-0247-05 156	F	30th September 2021
P19-0247-05 157	F	30th September 2021
P19-0247-05 140	F	30th September 2021
OP8174	R1 Solar PV Arrangement	30th September 2021
SHD363	Outdoor lighting	30th September 2021
SHD363-SHD-HLG-NORT-DR-EO-Design Layout R1		30th September 2021
C-0003	P01	30th September 2021
C-0004	P02	30th September 2021
C-0005	P01	30th September 2021
P19-0247-46		30th September 2021
P19-0247-01 02	U	30th September 2021
P19-0247-30	C	30th September 2021
P19-0247-05 39	F	30th September 2021
P19-0247-28	D	30th September 2021
P19-0247-31	D	30th September 2021
P19-0247-35	C	30th September 2021
P19-0247-36	C	30th September 2021
P19-0247-37	E	30th September 2021
P19-0247-38	C	30th September 2021
P19-0247-39 - 02	E	30th September 2021
P19-0247-39 -1	F	30th September 2021
P19-0857-05 04	F	30th September 2021
P19-2540-100	E	30th September 2021
P19-2540-101	E	30th September 2021
P19-2540-103	C Sheet 1 of 4	30th September 2021
P19-2540-104	C Sheet 2 of 4	30th September 2021
P19-2540-105	C Sheet 3 of 4	30th September 2021
P19-2540-106	C Sheet 4 of 4	30th September 2021
P19-2540-107	C	30th September 2021
P19-2540-108	B Sheet 1 of 2	30th September 2021
P19-2540-109	B Sheet 2 of 2	30th September 2021
P19-0247-05 109	A	16th April 2021
C-0600-03	P03	20th July 2021
GTC-E-SS-0012_R1-8_1_of_1 1-8		20th July 2021
JKK9833 Travel Plan Statement1		20th July 2021
C-0104	P03	20th July 2021
JKK9833	Highways Drainage Statem	20th July 2021
C-0001	P04	20th July 2021
C-0002	P04	20th July 2021
LSUK.21-0169	2.0	20th July 2021
Energy Statement	1	20th July 2021
Noise Memorandum		20th July 2021
C-114-05	P01	3rd August 2021

P19-0247-10	A	26th April 2021
P19-0247-29	A	16th April 2021
P19-2540-102		16th April 2021
Noise Survey	21459-1	16th April 2021
Drainage Statement		16th April 2021
Biodiversity Strategy		16th April 2021
Arboricultural Statement		16th April 2021
P19-0857-02 42	F	20th July 2021
P19-0857-02 53	F	20th July 2021
Energy Statement	Sport Pavilion	16th April 2021
Biodiversity Assessment	Appendices	16th April 2021
Tree Protection Plan	ADAS_1050467_ORCH_TPP1A	16th April 2021
Design Code Compliance Statement		16th April 2021
PAS 1282014	Utility Survey	16th April 2021
P19-0247-33	B	20th July 2021
P19-0247-03	D	20th July 2021
P19-0247-34	B	20th July 2021
P19-0247-43	A	20th July 2021
P20-0247-04-02	B	20th July 2021
P20-0247-04	B	20th July 2021

- 1 Reason: To define the scope and extent of this permission.

- 2 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.

- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.

- 3 Notwithstanding the details shown on drawing no. P19-0247_37 Rev E, no above ground construction shall take place on site until samples of the 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.

- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 4 All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a minimum period of five years from last occupation (as specified by condition 5) 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.

- 4 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

5 Prior to any occupation of the development, a scheme for the maintenance of the soft and hard landscaping for a minimum period of five years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:

- i) methods for the proposed maintenance regime;
- ii) detailed schedule;
- iii) details of who will be responsible for the continuing implementation
- iv) details of any phasing arrangements

The management and maintenance of the soft and hard landscaping shall be the responsibility of the developer until such time as any areas of public open space have been adopted by a public body or transferred to a private management company.

5 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

6 Notwithstanding the details shown on Drawing no. P19-2540_110, no above ground construction shall take place until details of the equipment and surfacing of the Long Fen Trim Trail play areas have been submitted to and agreed in writing by the Local Planning Authority. The details shall also include the timing of the delivery of the play areas.

6 Reason: To ensure the play areas are constructed to an appropriate standard and delivered at the appropriate time and to safeguard the residential amenity of neighbouring occupiers, in accordance with Policy ENV2 of the East Cambridgeshire Local Plan, 2015

7 The tree protection measures as shown on Drawings ADAS_1050467_ORCH_TPP1 A (Plans 1- 4), shall be implemented prior to the commencement of development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

7 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.

8 The development shall be carried out strictly in accordance with the mitigation measures and works schedule shown in Table 1 of the Biodiversity Strategy, prepared by RSK ADAS Limited, dated March 2021.

8 Reason: To protect and enhance species in accordance with Policies ENV1, ENV2, and ENV7 of the East Cambridgeshire Local Plan, 2015 and the Natural Environment SPD

9 No above ground construction shall take place until details of all street furniture have been submitted to and approved in writing by the Local Planning Authority.

- 9 Reason: To safeguard the character and appearance of the area, in accordance with Policy ENV2 of the East Cambridgeshire Local Plan, 2015
- 10 No above ground construction shall take place until a sample panel measuring no less than 1 metre 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.
- 10 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 Prior to the commencement of development of the cricket pavilion, hereby approved, a management and maintenance plan for the cricket pitch boundary netting shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details
- 11 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 Any mechanical plant installed in relation to the retail units, hereby approved, should not exceed the limits as set out in Section 10.3.3 of the Environmental Noise Survey prepared by Noise.co.uk dated 31st March 2021
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 Notwithstanding the details as shown on Drawing OP8174 R1 - Solar PV Arrangement, prior to the first occupation of any dwelling, details shall be submitted to and approved in writing by the Local Planning Authority, confirming the details and location of the photovoltaic panels across the site. The panels shall be in situ prior to the occupation of the associated dwellings and retained for their lifetime.
- 13 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015, and Policy CC1 of the Climate Change SPD
- 14 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on drawing P19-0247_01 Revision U.
- 14 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 15 No soft fruit trees shall be planted within 5m of the highway, including footpaths, to prevent the creation of slip hazards when fruit falls.

- 15 Reason: In the interests of highway and public safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 16 No above ground construction shall take place on site until details and materials of the dormer 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.
- 16 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 17 Prior to first occupation of any dwelling a scheme for the provision of facilities for electric plug-in vehicles shall be submitted to and approved in writing by the Local Planning Authority and thereafter, provided prior to first occupation of the dwelling to which it relates.
- 17 Reason: In accordance with the aims of the NPPF to provide for sustainable transport modes and the Climate Change SPD.
- 18 Notwithstanding the details shown on drawing P19-0247-46 (Architectural Detailing Plan), and prior to any above ground construction on the site, details of the sash windows to be used on 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 details.
- 18 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

Agenda Item No 11**MAIN CASE**

Reference No: 19/00299/MPO

Proposal: Application for the modification or discharge of a planning obligation (Ref13/00785/ESO)

Site Address: Land North Of Cam Drive Ely Cambridgeshire

Applicant: Cheffins

Case Officer: Angela Briggs, Planning Team Leader

Parish: Ely

Ward: Ely North
Ward Councillor/s: Simon Harries
 Alison Whelan

Date Received: 27 February 2019 **Expiry Date:** 17th June 2019

[U14]**1.0 RECOMMENDATION**

1.1 Members are recommended to APPROVE the Deed of Variation to vary the original S106 agreement to include a new paragraph to be inserted in Schedule 4 in relation to the delivery of the Extra Care Home, and a revised appendix 9 relating to the specifications for the Cricket Facility Scheme (replacing the original agreement at Appendix 9).

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks to vary the original S106 agreement for the development to address the following specific areas under Schedule 4 and appendix 9:
- Bring forward the delivery of the Extra Care Home facility which forms part of the overall affordable housing provision (Phase 2b);
 - Revise the specifications of the Cricket Pitch Facility and the Trim Trail (to be delivered as part of Phase 2).
- 2.2 The original appendix 9 of the S106 is attached as Appendix 1 of this report. The relevant extracts of the original S106 agreements is attached as Appendix 2.

- 2.3 The application is being brought before Planning Committee because it was Members' wish for the Extra Care Home to be delivered in a timely manner and to agree any changes to the S106 obligation as part of this strategic development.
- 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

13/00785/ESO	Residential led development of up to 1,200 homes with associated employment and community uses (including care home or extra care home). Supporting infrastructure, and open space/landscaping on land to the west of Lynn Road in Ely.	Approved	26.11.2014
--------------	---	----------	------------

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located at the northern fringes of the City, and forms part of the Isle of Ely rising gently above the surrounding fens. It extends to approximately 75.5 hectares of predominantly open fields, some currently used as agricultural land and some areas have now been developed. The site forms part of a larger proposed North Ely urban extension, which includes a total of 203 hectares of land stretching from the A10 in the west to the railway line in the east on land north of Kings Avenue and Cam Drive. This application site is bounded by Cam Drive to the south, by the A10 to the west, and by Chettisham village and open fields to the north. To the east the site boundary encloses King Edgar Close and Lily House and grounds, and is bounded by Lynn Road and residential dwellings fronting on to that Road. The Willows and Twinwood Cottage form a group of farm buildings located directly off Lynn Road to the north east. The south of the site is approximately 1km from the City centre, with Lynn Road being the direct linking route.
- 4.2 Development of the Southern part of this site is currently underway, with the Isle of Ely Primary School completed and opened in April 2016 followed by Phase 1 housing scheme, by Hopkins Homes, and the Care Home, situated opposite the School. The main access from Cam Drive has also been constructed which serves the School, and Phase 1 development, and the internal roadways. Some of the dwellings on Phase 1 are now already occupied.

5.0 PLANNING COMMENTS

5.1 This application seeks to vary two elements under Schedule 4 (Affordable Housing and Cricket Facility) and appendix 9 of the original S106 legal agreement associated with planning permission Ref: 13/00785/ESO, dated 20th June 2016, for a residential led development of up to 1,200 homes with associated employment and community uses (including care home or extra care home). Supporting infrastructure, and open space/landscaping on land to the west of Lynn Road in Ely. The variation relates to Phase 2 of the development only.

5.2 The two elements relevant to this variation relate to the following:

- The delivery and triggers for the Extra Care Home facility (Phase 2b); and
- The revised specifications of the Cricket Pitch facility appendix (as part of Phase 2a)

Extra Care Home Facility:

5.3 Currently, Schedule 4, Section 1, of the original S106 agreement does not include the specific mechanisms for the delivery of the Extra Care home element of the development, which is mentioned as part of the affordable housing delivery under paragraph 1.7 of Schedule 4 (see Appendix 2).

5.4 The Deed of Variation would include an additional section within Schedule 4 which specifically stipulates the delivery for the Extra Care facility as part of Phase 2. This would follow on from the Open Space paragraphs in section 5. Section 6 would read as follows:

“6. Extra Care Dwellings”

Unless otherwise agreed in writing between the Landowners and the Council, the Landowners covenant not to Occupy or permit the Occupation of more than 75% of the Market Dwellings in Phase Two unless and until the Extra Care Land has been transferred to an Affordable Housing Provider, such Affordable Housing Provider and draft transfer to be approved in advance by the Council in writing (such approval not to be unreasonably withheld or delayed);

Unless otherwise agreed in writing between the Landowners and the Council, the Landowner covenants not to Occupy or permit the Occupation of more than 75% of the Market Dwellings in Phase Two unless and until the Landowners have submitted to the Council for its determination an application for outline planning consent or full consent for the Extra Care Facility and the Council has determined to grant outline planning consent or full planning consent pursuant to the Landowners application;

Unless otherwise agreed in writing between the Council and the Landowners, the Landowners covenant to notify the Council five Working Days prior to the expected date of Commencement of Construction of the Extra Care Facility;

Unless otherwise agreed in writing between the Council and the Landowners, the Landowners covenant not to Occupy or permit the Occupation of more than 85% of the Market Dwellings in Phase 2 unless and until the construction of the Extra Care Facility has Commenced;

- 5.5 The original agreement shall then be re-numbered accordingly after this section.
- 5.6 This additional section would facilitate the delivery of the Extra Care Home in connection with Phase 2 of the development, in a timely manner, as part of the overall affordable housing strategy. This is a facility which Members were keen to come forward at an early stage of development. This mechanism in the S106 would allow this facility to come forward as a stand-alone application without affecting the delivery of other affordable units, as part of the wider development, and without the potential delays of being considered as part of a larger application. As such it is considered that this approach would encourage this facility to come forward earlier than otherwise expected and provide a much-needed facility in the local area.

Cricket Pitch Facility

- 5.7 The second element of the Deed of Variation relates to the Cricket Pitch facility which is also included under Schedule 4, section 3. A scheme for the cricket pitch and associated pitches, and the Pavilion, was attached to the original S106 agreement at Appendix 9 (please refer to Appendix 3 of this report). The children's play facility would also now form a 'Trim Trail' to be installed within the Long Fen Country Park alongside the Cricket Pitch area, rather than provided on the Sports Pitch, and would include 5 pieces of play equipment (as shown indicatively on drawing number: 411-Fss-09-SP Rev A). Reference to the Trim Trail has now been included as part of the amended appendix.
- 5.8 The amended appendix would replace the original version with the following (italic and bold areas indicate the changes):

'The Cricket pitch will be a full sized adult pitch with appropriate foundations, drainage, layout and construction as approved by the English and Wales Cricket Board (ECB) and Sport England (SE). It will be constructed by an experienced cricket and sports turf contractor as approved by the Institute of Groundsmanship (IOG), *for example TTS or similar.*

It will provide a **ten** wicket square **of which one wicket is to be an artificial wicket** and the radius from the **stumps on the wicket at the edge** of the square will be approximately **52.74m**. The total playing area plus safety run off will be approximately **1.3ha**. The orientation, gradient etc will be as recommended by the ECB and SE **but broadly as shown on attached LMC Architects drawing No. 411-FSS-09-SP Rev A.**

There will be appropriate safety netting as required plus two artificial practice wickets in nets, 2 sight screens, water and power supply to enable care for the pitch.

The outfield and pavilion will also be used for soccer matches. **Three No youth pitches one each suitable for 5 v 5, 7 v 7 and 9 v 9 matches respectively with run off without using the ten wicket square, again as shown on drwg No 411-FSS-09-SP Rev A. Three** sets of mobile counter weighted football goalposts **of appropriate size suitable for each age group** will also be provided. The facility will be built in accordance with the Successful Management of "Dual Use Cricket and Football Sites" Guidance Notes produced by the Football Association (FA), The ECB and the IOG.

The pavilion design, layout, orientation and construction will meet the requirements of the ECB and the FA for a two team changing facility plus toilets, showers, officials changing, kitchen and room for match teas. It will be a minimum of 150 sqm GIF and designed to ensure appropriate child safeguarding controls and will be fully fitted out with fixtures and fittings. There will also be provision for the storage of grounds maintenance equipment **in a separate secure store abutting the pavilion**. There will be appropriate access and car parking plus cycle parking.

The reserved matters application will include detail of the pitch drainage, layout and construction including the types of turf and grass. The Landowners will employ a specialist consultant approved by the ECB and IOG, to oversee the pitch design and construction. It is expected that the contractors will work closely with the expert in order to ensure that the pitch meets the required quality standard and passes inspections, in advance of transfer to the relevant body

In addition, a Trim Trail comprising 5 pieces of equipment is to be installed in Long Fen Country Park but in proximity to the pitches as shown indicatively on drwing No 411-FSS-09-SP Rev A.

- 5.9 The amended specification details are supported by the Cricket and Football Clubs and reflect their provision requirements.
- 5.10 The children's facility was originally planned to be included within the Sports pitches site. However, due to the size and requirements for the Sports Pitches, this provision has been moved off-site within the Long Fen Country Park area, which is nearby the sports pitches, and is known as the 'Trim Trail'. This Trim Trail would include sufficient play equipment provision to meet the needs of the new community, and, by virtue of its close proximity to the sports pitches, is considered acceptable.
- 5.11 Both these important elements (Extra Care Home and Cricket Facility), have formed part of this Deed of Variation to ensure that all elements of the development are provided, in-keeping with the spirit of the original S106 agreement, and to maintain the momentum of development at North Ely.
- 5.12 It is considered that the proposal to seek variations to the original S106 agreement, as described in my report, are acceptable and Members are recommended to agree the variation to the original agreement and approve the application.

6.0 APPENDICES

- 6.1 Appendix 1 – Appendix 9 from the original agreement
- 6.2 Appendix 2 – Extract from Schedule 4 of the original S106 agreement, Ref: 13/00785/ESO.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00299/MPO	Angela Briggs Room No. 011 The Grange	Angela Briggs Planning Team Leader
13/00785/ESO	Ely	01353 665555 angela.briggs@east cambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

NORTH ELY SECTION 106 SPECIFICATION FOR CRICKET PITCH AND OTHER ASSOCIATED PITCHES AND PAVILION PLUS ANCILLARY FACILITIES

Endurance Estates Site

The Cricket pitch will be a full sized adult pitch with appropriate foundations, drainage, layout and construction as approved by the English and Wales Cricket Board (ECB) and Sport England (SE). It will be constructed by an experienced cricket and sports turf contractor as approved by the Institute of Groundsmanship (IOG)

It will provide a nine wicket square and the radius from the corner of the square will be approximately 45.7 m. The total playing area plus safety run off will be approximately 1.27h. The orientation, gradient etc will be as recommended by the ECB and SE.

There will be appropriate safety netting as required plus two artificial wickets with practice nets, 2 sight screens, water and power supply to enable care for the pitch.

The outfield and pavilion will also be used for soccer matches. The cricket pitch will accommodate two x football pitches of approximately 100m x 64m plus run off without using the nine wicket square. Two sets of mobile counter weighted football goalposts will also be provided. The facility will be built in accordance with the Successful Management of "Dual Use Cricket and Football Sites" Guidance Notes produced by the Football Association (FA), The ECB and the IOG.

The pavilion design, layout, orientation and construction will meet the requirements of the ECB and the FA for a two team changing facility plus toilets, showers, officials changing, kitchen and room for match teas. It will be a minimum of 150 sqm GIF and designed to ensure appropriate child safeguarding controls and will be fully fitted out with fixtures and fittings. There will also be provision for the storage of grounds maintenance equipment, either within the pavilion or as a separate secure store. There will be appropriate access and car parking plus cycle parking.

The reserved matters application will include detail of the pitch drainage, layout and construction including the types of turf and grass. The Landowners will employ a specialist consultant approved by the ECB and IOG, to oversee the pitch design and construction. It is expected that the contractors will work closely with this expert in order to ensure that the pitch meets the required quality standard and passes inspections, in advance of transfer to the relevant body..

SCHEDULE 4

Landowners' Covenants with the Council Regarding Phase TWO

1. AFFORDABLE HOUSING

- 1.1 Prior to Commencement of Development on Phase Two the Phase Two Affordable Housing Scheme (which has been subject to the relevant viability review in accordance with Schedule 8) shall be submitted to the Council in writing for approval.
- 1.2 That no more than 75% of the Market Dwellings in Phase Two shall be Occupied until all the Affordable Dwellings in Phase Two have been constructed in accordance with the Planning Permission and the approved Phase Two Affordable Housing Scheme and made ready for residential Occupation and written notification has been received by the Council.
- 1.3 The Landowners shall construct the Affordable Housing and offer to transfer the Affordable Housing prior to Occupation of no more than 75% of the Market Dwellings in Phase Two to the Affordable Housing Provider nominated by the Landowners and agreed by the Council at no cost to the Council (such approval not to be unreasonably withheld).
- 1.4 That the transfer to the Affordable Housing Provider shall be in accordance with paragraph 1.5 below and should the Affordable Housing Provider be a provider (pursuant to Part 2 of the Housing and Regeneration Act 2008) registered with the Homes and Communities Agency on terms that accord with relevant funding requirements of the Homes and Communities Agency current at the date of construction of the Affordable Housing.
- 1.5 The Transfer shall contain inter alia the following:
- 1.5.1 a grant in favour of the Affordable Housing Provider of all rights of access passage of Services and other rights reasonably necessary for the beneficial enjoyment of the Affordable Dwellings;
- 1.5.2 reservation of all rights of access and passage of Services and rights of entry reasonably necessary for the beneficial enjoyment of the Affordable Housing;
- 1.5.3 a covenant by the Affordable Housing Provider not to use the transferred Affordable Housing other than for the purposes of providing Affordable Housing in perpetuity and to allocate the Affordable Housing in accordance with the provisions of the Nomination Agreement a draft of which is attached to this Deed.

- 1.6 The Affordable Dwellings shall be either Affordable Rent Dwellings (including Social Rent Dwellings) or Intermediate Dwellings or a combination thereof in accordance with the Phase Two Affordable Housing Scheme and no variation shall be permitted without the prior consent of the Council's Principal Housing Officer (Strategy & Development).
- 1.7 All Affordable Housing must be constructed to comply with the Homes and Community Agency's Design and Quality Standards Second Edition 2008 in terms of design, space and layout or any successor or replacement thereto or such other standard as may be agreed in writing by the Council and all Extra Care Dwellings must meet the design principles of the Housing Our Ageing Population Report (2012) (HAPPI 2) or any successor or replacement thereto or such other standards as may be agreed between the Council and the Landowners/Affordable Housing Provider.
- 1.8 From the date of Practical Completion of the Affordable Dwellings in Phase Two they shall not be used other than for Affordable Housing save that this obligation shall not be binding on:
- 1.8.1 any Protected Tenant or any mortgagee or chargee of a Protected Tenant or any person deriving title from a Protected Tenant or any successor in title thereto and their respective mortgagees and chargees;
or
- 1.8.2 any Chargee provided that the Chargee shall have first complied with the Chargee's duty at 1.9 below and
- 1.8.3 any purchaser from a mortgagee of an individual Affordable Dwelling pursuant to any default by the individual mortgagor
- 1.9 The Chargee shall prior to seeking to dispose of the Affordable Dwellings pursuant to any default under the terms of its mortgage or charge give not less than two months' and one week's prior notice to the Council of its intention to dispose and:
- 1.9.1 in the event that the Council responds within two months from receipt of the notice indicating that arrangements for the transfer of the Affordable Dwellings (on the basis the chargee can recover or have the Affordable Housing Provider take responsibility for any outstanding debt) can be made in such a way as to safeguard them as Affordable Housing then the Chargee shall co-operate with such arrangement and use its best endeavours to secure such transfer
- 1.9.2 if the Council does not serve its response to the notice served under sub-paragraph 1.9.1 of this schedule within the two months then the

Chargee shall be entitled to dispose of the Affordable Dwellings free of the restrictions set out in this schedule

- 1.9.3 If the Council or any other person cannot within two months of the date of service of its response under sub-paragraph 1.9.1 of this schedule secure such transfer then provided that the Chargee shall have complied with its obligations under sub-paragraph 1.9.1 of this schedule the Chargee shall be entitled to dispose of the Affordable Dwellings free of the restrictions set out in this schedule PROVIDED ALWAYS that the chargee shall not be required to act contrary to the charge or in a way which means that the debt protected by the mortgage or charge shall not be repaid in full.

2. COMMUNITY FACILITY

- 2.1 The Landowners covenant to submit a Community Facility Scheme and in the event that the Community Facility is to be provided as part of the Development the Community Facility Specification to the Council for agreement prior to Commencement of Development in Phase Two.
- 2.2 If the agreed Community Facility Scheme provides for the delivery of Community Facility as part of the Development then the Landowners covenant to deliver the Community Facility prior to Occupation of the 250th Dwelling in Phase Two in accordance with the agreed Community Facility Specification.
- 2.3 If the approved Community Facility Scheme provides for the payment of the Community Facility Contribution 50% of the Community Facility Contribution (together with any Indexation) shall be paid prior to Occupation of the last Dwelling in Phase Two.

3. CRICKET FACILITY

- 3.1 The Landowners covenant to submit a Cricket Facility Scheme and the Cricket Facility Specification to the Council for agreement prior to Commencement of Development in Phase Two.
- 3.2 The Landowners will employ a specialist consultant approved by the England and Wales Cricket Board and Institute of Groundsmanship (or such other body as appropriate and agreed between the Landowners and the Council) to oversee the pitch design and construction.
- 3.3 The Landowners covenant to deliver the Cricket Facility on the Land in accordance with the approved Cricket Facility Specification prior to Occupation of the 150th Dwelling in Phase Two in accordance with the agreed Cricket Facility Specification.

- 3.4 On completion of the Cricket Facility to the reasonable satisfaction of the Council the Landowners shall procure the future maintenance of the Cricket Facility in accordance with the approved Cricket Facility Scheme.

4. OUTDOOR SPORTS CONTRIBUTION AND OUTDOOR SPORTS MAINTENANCE CONTRIBUTION

- 4.1 The Landowners covenant to pay £24,252 of the Outdoor Sports Contribution (together with any Indexation) and £748 of the Outdoor Sports Maintenance Contribution to the Council (together with any indexation) prior to the Occupation of the 40th Dwelling in Phase Two
- 4.2 The Landowners covenant to pay £24,252 of the Outdoor Sports Contribution (together with any Indexation) and £748 of the Outdoor Sports Maintenance Contribution to the Council (together with any indexation) prior to the Occupation of the 120th Dwelling in Phase Two
- 4.3 The Landowners covenant to pay £14,552 of the Outdoor Sports Contribution (together with any Indexation) and £448 of the Outdoor Sports Maintenance Contribution to the Council (together with any indexation) prior to the Occupation of the 160th Dwelling in Phase Two

5. OPEN SPACE

- 5.1 Prior to Commencement of Development in Phase Two the Landowners shall submit to the Council the Open Space Scheme and the Management and Maintenance Programme for Phase Two for approval
- 5.2 Not to Commence Development on Phase Two unless and until the Open Space Scheme and the Management and Maintenance Programme for Phase Two have been submitted to and approved by the Council (such approval not to be unreasonably withheld or delayed) in accordance with the approved Site Wide Landscaping Scheme.
- 5.3 Unless otherwise agreed in writing between the Landowners and the Council, not to Occupy or permit the Occupation of more than 50% of the Dwellings in Phase Two until 50% of the Open Space in Phase Two has been laid out and completed entirely in accordance with the approved Open Space Scheme for Phase Two
- 5.4 Unless otherwise agreed in writing between the Landowners and the Council, not to Occupy or permit the Occupation of more than 75% of the Dwellings in Phase Two until 100% of the Open Space in Phase Two has been laid out and completed entirely in accordance with the approved Open Space Scheme for Phase Two

- 5.5 To comply with the Compliance and Inspection Scheme in respect of the Open Space in Phase Two
- 5.6 On the date of Open Space Final Completion for Phase Two the Open Space in Phase Two shall be adopted by the Council
- 5.7 Within 20 Working Days of Open Space Final Completion for Phase Two the Landowners shall deliver the Open Space Transfer for the Open Space within Phase Two to the Council released for completion (unless the parties agree an alternative timescale)
- 5.8 That upon any transfer of the Open Space in Phase Two to the Council the Landowners shall pay to the Council the Phase Two Open Space Maintenance Contribution (together with any Indexation) in respect of future maintenance.

The Landowners covenant with the County Council in relation to Phase Two

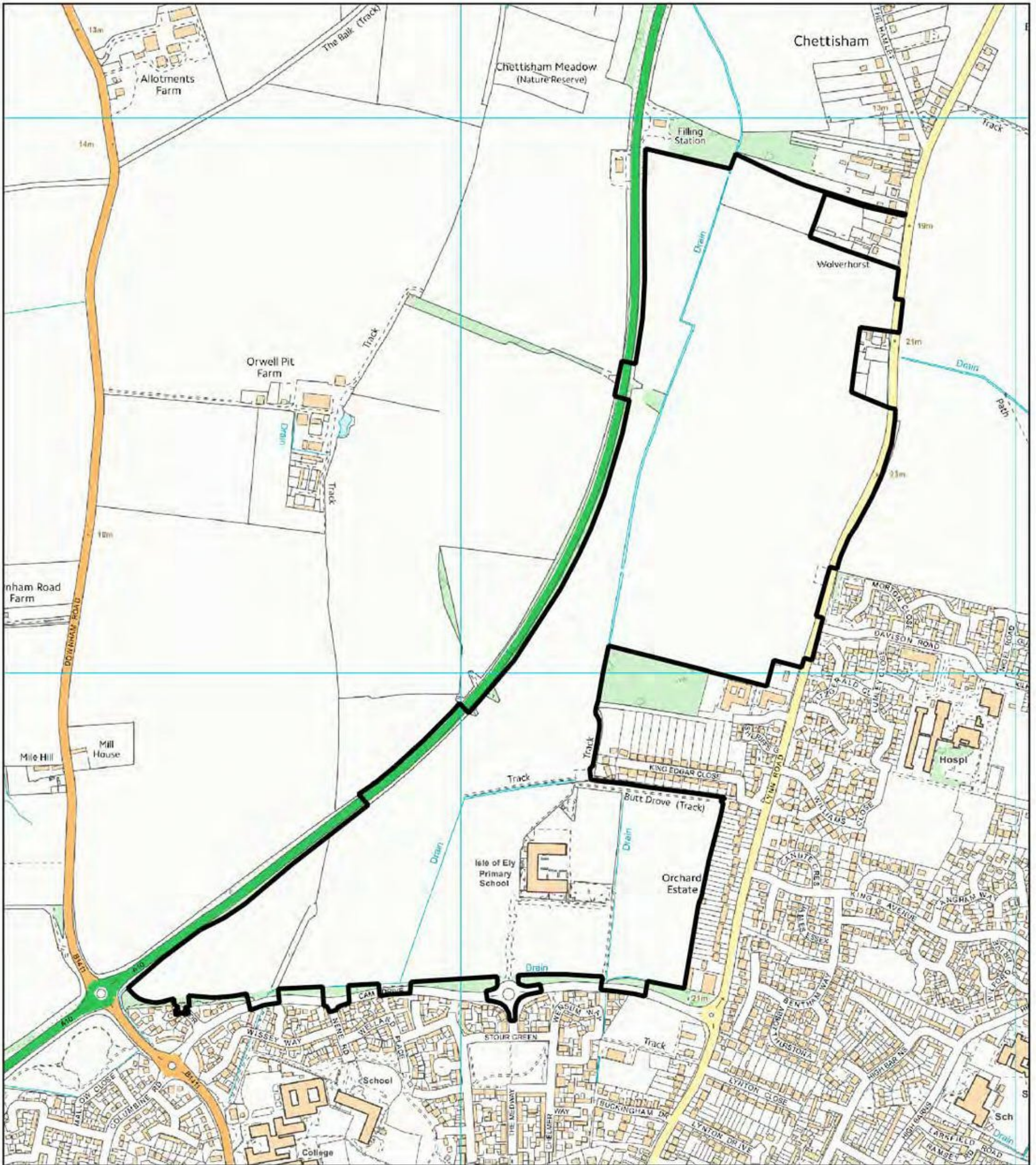
6. PUBLIC TRANSPORT CONTRIBUTION

- 6.1 The Landowners covenant to pay the Public Transport Contribution to the County Council (together with any Indexation) prior to the Occupation of the 150th Dwelling in Phase Two.

7. PRIMARY EDUCATION CONTRIBUTION

- 7.1 The Landowners covenant to pay £450,000 of the Primary Education Contribution to the County Council (together with any Indexation) prior to the Occupation of the 40th Dwelling in Phase Two
- 7.2 The Landowners covenant to pay £300,000 of the Primary Education Contribution to the County Council (together with any Indexation) prior to the Occupation of the 80th Dwelling in Phase Two
- 7.3 The Landowners covenant to pay £450,000 of the Primary Education Contribution to the County Council (together with any Indexation) prior to the Occupation of the 120th Dwelling in Phase Two
- 7.4 The Landowners covenant to pay £400,000 of the Primary Education Contribution to the County Council (together with any Indexation) prior to the Occupation of the 160th Dwelling in Phase Two
- 7.5 The Landowners covenant to pay £500,000 of the Primary Education Contribution to the County Council (together with any Indexation) prior to the Occupation of the 200th Dwelling in Phase Two

8. The Landowners covenant with the Councils in relation to this Phase Two that they will not Occupy nor permit Occupation of more than the specified number of Dwellings unless and until any payment instalment or other obligation related to that specific number of Dwellings has been paid to the respective Councils or complied with as the case may be



19/00299/MPO

Land North of
Cam Drive
Ely



East Cambridgeshire
District Council

Date: 29/05/2019
Scale: 1:10,000



© Crown copyright.
All rights reserved 100023279 (2017)

21/00818/FUL

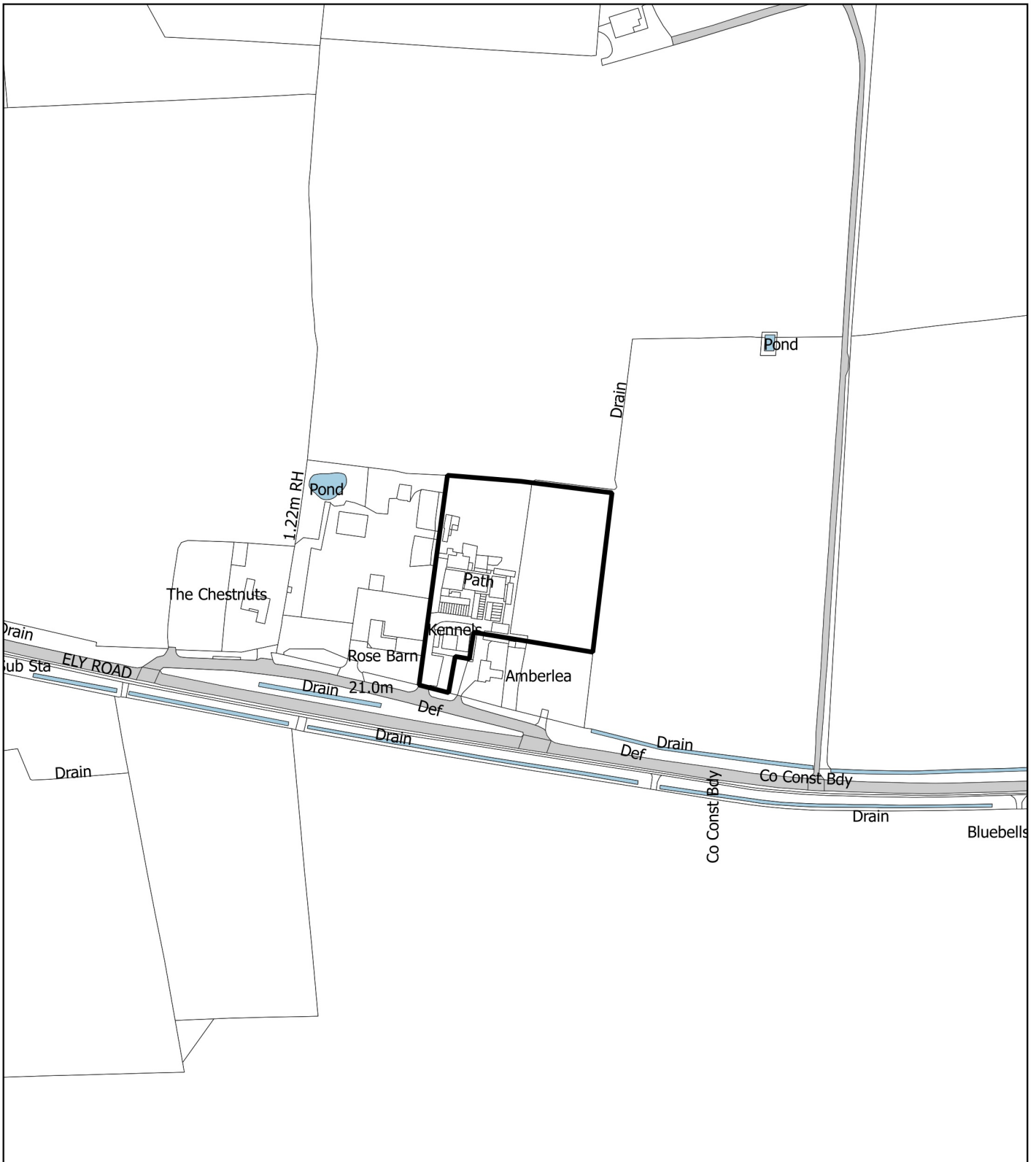
Amberlea Country Kennels And Cattery
Ely Road
Sutton
Ely
Cambridgeshire
CB6 2AB

Proposed replacement staff welfare facility and staff accommodation unit

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QTQ2W0GGJA200>





21/00818/FUL

Amberlea Country Kennels
And Cattery
Ely Road
Sutton



East Cambridgeshire
District Council

Date: 18/10/2021
Scale: 1:3,500



© Crown copyright.
All rights reserved 100023279 (2020)

MAIN CASE

Reference No: 21/00818/FUL

Proposal: Proposed replacement staff welfare facility and staff accommodation unit

Site Address: Amberlea Country Kennels and Cattery Ely Road Sutton Ely Cambridgeshire CB6 2AB

Applicant: Amberlea Country Kennels and Cattery

Case Officer: Molly Hood Planning Officer

Parish: Sutton

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

Date Received: 26 May 2021 **Expiry Date:** 10 November 2021
Report Number W90

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE the application for the following reason:
- 1) The Council is currently able to demonstrate a Five Year Housing Supply and policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 which provides the locational strategy is considered up to date. Outside defined development envelopes development will be strictly controlled having regard to the need to protect the countryside. Development will be restricted to the main exception categories listed in policy GROWTH 2, providing there is no significant adverse impact on the character of the countryside. The need for an additional permanent dwelling for a rural worker has not been adequately demonstrated in line with the requirements of Policy HOU 5 of the East Cambridgeshire Local Plan, 2015 and Policy GROWTH 2.

2.0 **SUMMARY OF APPLICATION**

- 2.1 Permission is sought for replacement staff welfare facilities and accommodation unit on the site of Amberlea Kennels and Cattery. One building is proposed measuring 16m (52.4ft) in length, 5.5m (18ft) at its greatest depth and will have a ridge height of 2.95m (9.6ft). The building will be split into the following three sections:
- Store
 - Staff welfare facilities (including a kitchenette in living area)
 - Overnight staff accommodation (including kitchenette in a main living area, shower room, store, wardrobe/cupboard and bedroom).

- 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/>.
- 2.3 The application has been called into Planning Committee by Councillor Dupré on the grounds that refusal of the application for overnight staff accommodation would unreasonably prevent a successful local business being able to comply with the terms of its licence on the retirement of its owner.

3.0 PLANNING HISTORY

04/01490/FUL	Erection of new reception and staff facilities building and extension to dog grooming parlour to create canine hydrotherapy facilities with new vehicular access.	Approved	28.01.2005
07/00231/FUL	Construction of staff facilities and reception building (modified proposal previously approved under application 04/01490/FUL)	Approved	17.04.2007
09/00802/FUL	Change of use from staff facility/office building to single one bedroom living accommodation.	Refused Appeal Dismissed	06.01.2010
10/00138/FUL	Change of use from staff facility/office building to include temporary overnight staff accommodation	Approved	31.03.2010
15/01280/CLE	For staff facility/office buildings including provision for overnight accommodations for manager	Refused	07.01.2016
16/00226/FUL	Change of use from a staff facility/office to a permanent residence. Use Class C3 - Dwellinghouse.	Approved	22.04.2016
16/00851/FUL	Proposed demolition of part and extension to existing building to increase domestic accommodation	Refused	30.08.2016

and decrease reception and sales area to facilitate change of use to accommodation

16/01538/FUL Proposed demolition of part Approved 21.12.2016
and extension to existing
building to provide a new
and permanent reception,
office and sales area and an
additional bedroom within
the domestic
accommodation

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site forms part of the wider Amberlea Kennels and Cattery Site which includes the owners dwelling, the staff accommodation as well as the kennels and cattery buildings. There are further ancillary buildings within the site, one in particular is the existing mobile home to the northern corner of the site. The site is within the countryside outside of the defined development envelope but on the outskirts of the village. To the south is the access road and the A142. The application site is outside of the Sutton Neighbourhood Plan Area.

5.0 RESPONSES FROM CONSULTEES

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

Local Highways Authority - 23 June 2021

No objection to this application

CCC Growth & Development –

No Comments Received

Environmental Health - 8 June 2021

If Peter wishes to make any comments he will respond separately.

As this is a replacement facility for one already in situ I will have no issues to raise with this.

I would advise a condition which restricts the use of the accommodation unit to those connected to the business.

I would not expect a great deal construction associated with this proposal but I would still recommend 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 comments to make at this time but please send out the environmental notes.

Waste Strategy (ECDC) - 24 June 2021

East Cambs District Council does not collect commercial waste and the business owners should ensure all waste is disposed of via a registered waste carrier.

Parish - 23 June 2021

Sutton Parish Council will let ECDC determine this application

Ward Councillors – 7 October 2021

Councillor Dupré - I would like to call this application in for determination by the Planning Committee on the grounds that refusal of the application for overnight staff accommodation would unreasonably prevent a successful local business being able to comply with the terms of its licence on the retirement of its owner.

5.2 A site notice was displayed near the site on 21 June 2021.

5.3 Neighbours – one neighbouring property was notified and no responses have been received.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

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

6.2 Supplementary Planning Documents

Design Guide
Developer Contributions and Planning Obligations
Flood and Water
Climate Change SPD
Natural Environment SPD

6.3 National Planning Policy Framework 2021

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

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main considerations of this application are: principle of development, highways safety, impact on residential amenity and impact on visual appearance and character of the wider area. Due to the complex planning history for the site, the report will begin by explaining the previous planning applications which are most pertinent to this current proposal.

7.2 Planning History

7.2.1 The site received permission under application 04/01490/FUL for new staff facilities and reception building, which was modified under application 07/00231/FUL. Following these approvals, permission was sought for the change of use of this building from staff facilities/office to single bedroom living accommodation, reference 09/00802/FUL. This application was refused by Planning Committee on the grounds of the proposal not complying with policy H5 (dwellings for essential rural workers) as there is an existing dwelling within the kennels and cattery site which has and continues to provide the necessary on-site provision. The applicants need at that time was due to the planned retirement of the proprietor, however this was not deemed adequate justification in line with the policy. This application was also dismissed at appeal, which took into account application 10/00138/FUL as this was approved at the time of the Appeal Decision.

7.2.2 The history follows with a further application in 2010 (reference 10/00138/FUL) which was for the change of the staff facilities/office to temporary overnight accommodation. This application was approved on the basis that the circumstances were different, as this was an ad-hoc accommodation for when sickness, holidays or other emergencies occurred and cover is required. Planning conditions were applied to ensure it did not become a permanent residential dwelling, these were:

- *The building shall not be slept in overnight for more than 185 nights in any calendar year, unless prior written agreement has been obtained from the Local Planning Authority.*
- *The building shall not be slept in overnight for a period of more than 42 consecutive nights, unless prior written agreement has been obtained from the Local Planning Authority.*

- 7.2.3 The Planning Inspector advised that there was 'no conclusive evidence which points to the essential needs of the enterprise not being capable of being satisfactorily met by the accommodation arrangements available.' Those arrangements referred to in the decision were the owners dwelling and the temporary one bedroom accommodation. The Inspector added 'the functional needs of the enterprise are met by the existing and permitted provision (10/00138/FUL) and to allow a further permanent dwelling here would be at odds with the aims of policy H5 of the CS and national guidance in PPS7. While I appreciate that significant additional convenience and benefits for the business would arise from a further dwelling here, to allow the scheme to proceed in the absence of a clear and convincing demonstration of an essential need would undermine the Councils policies in respect of development in the countryside.'
- 7.2.4 In 2015 an application was made for a certificate of lawfulness (15/01280/CLE) claiming the building has been lived in by a member of staff since 2008. Evidence was submitted to confirm the buildings completion in 2007. An assessment was made on the balance of probability's whether a residential dwelling has been established within the 4 years prior to approved application 10/00138/FUL. The LPA were not satisfied that on the balance of probability's there was sufficient evidence to demonstrate it was lived in for 4 years as a single dwellings house. A second assessment was made on the breach of the planning conditions. Where a breach of planning control involves the failure to comply with a planning condition of a permission it has to be subsisted for a period of 10 years, with no enforcement action taken. The end of the 10-year period has to coincide with the date of the certificate of lawfulness. Application 15/01280/CLE was submitted five years and six months after the approval of 10/00138/FUL and therefore is below the 10 year period.
- 7.2.5 Application 16/00226/FUL sought permission for the change of use from the staff facility/office to a permanent residence (C3). At the time of the application the Council had no five-year housing land supply and the housing policies at that point were considered out of date, meaning new dwellings in the countryside were considered on the presumption in favour of sustainable development. Additional evidence was submitted by the applicant to illustrate the staffing at the site, the expansion and the owner's medical records to confirm the practicality issues of their ability to manage the site. It was felt that the need was justified under this application in line with policy HOU5 and the dwelling was approved, subject to a condition tying it to the business. The condition reads as follows:
- The occupation of the dwelling shall be limited to a person solely or mainly working at Amberlea Country Kennels and Cattery, Ely Road, Sutton or any subsequent kennels and cattery business that may operate from the site and to any resident dependants.*
- 7.2.6 Shortly after the permission for the dwelling, the applicants sought to extend this significantly from a one bedroom property to a three bedroom dwelling. The floor area would have increased from 72sqm to 127sqm. This application was refused as the extension would extend the dwelling beyond the remit and intent of the previous permission, resulting in a substantially larger dwelling than that required to provide staff accommodation. A revised scheme was submitted under 16/01538/FUL to increase the residential unit to a two-bedroom dwelling. It was considered this was

visually acceptable and a better balance between the business and residential floor space.

7.3 Principle of Development

- 7.3.1 The application is assessed in accordance with the development plan which comprises East Cambridgeshire Local Plan 2015. Also relevant are the associated Supplementary Planning Documents, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance. On 26th March 2021 East Cambridgeshire District Council issued a Single Issue Review of the East Cambridgeshire Local Plan 2015. One area has been identified as being in need of update, namely Policy GROWTH1 which uses an out of date housing requirement figure. The need to review the Local Plan was triggered by a number of factors including the need to re-examine the appropriate level of housing growth, to ensure there is sufficient housing land supply and to ensure the Local Plan remains up to date. The review focusses on one aspect of the Local Plan only. For the avoidance of doubt, the vast majority of the Local Plan 2015 will not be amended. While the Emerging Plan is at an early stage and carries no weight in the determination of this application, it is worth noting the current policy position.
- 7.3.2 Since April 2020 the Council has been able to demonstrate an adequate 5 Year Housing Land Supply, as demonstrated first in its 'Five Year Land Supply Report - 1 April 2019 to 31 March 2024' (published April 2020) and later in its updated 'Five Year Land Supply Report - 1 April 2020 to 31 March 2025' (published December 2020). The most recent update is the 'Five Year Housing Land Supply Report 1 April 2021 to 31 March 2026' (published October 2021). The latter report confirmed that the Council maintains a housing land supply and expressed in years, this dwelling supply is equivalent to 7.00 years supply of housing land (up to 31 December 2021), or 7.04 years supply of housing land (from 1 January 2022).
- 7.3.3 Policy GROWTH 2 of the Local Plan 2015 sets out the overall strategy for the distribution of growth across the district. The policy is up-to date and aims to ensure that growth takes place in appropriate locations across the district. Within the defined development envelopes housing, employment and other development to meet local needs will normally be permitted, provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations are satisfied. This adequate housing land supply means that the Council considers its policies relating to housing delivery up-to-date and gives them full weight in the determination of this application.
- 7.3.4 The application site is situated outside of the defined development envelope for Sutton and in an area defined as countryside. As such the development would be contrary to Policy GROWTH2. However, the proposal has the potential to meet the requirements of policy HOU5 which forms one of the exemptions under policy GROWTH 2, providing it meets the requirements and there are no adverse impacts on the character of the countryside. Therefore, the application is assessed under the policy 'dwellings for rural workers'. It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application.

7.4 Staff facilities and Rural Workers Dwelling

7.4.1 The Planning Statement considers the merits of Policy HOU5 have been met under this application and the accommodation needs of the business were already fully accepted under application 16/00226/FUL. The Planning Statement advises that the proposal has not been described as a new residential dwelling as it will form employee accommodation. However, under historic application 09/00802/FUL the Councils view was clear that irrelevant of the accommodation being used by an employee or them not paying rent, bills or registering the address on electoral register, the proposal still establishes a C3 use class. As defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) C3 dwellinghouses are defined by:

‘Use a dwellinghouse (whether or not as a sole or main residence) by-

- (a) A single person or by people to be regarded as forming a single household*
- (b) Not more than six residents living together as a single household where care is provided for residents or*
- (c) Not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4)*

7.4.2 Furthermore, the case of [*Gravesham v SoS Environment (1982)*] held that ‘whether a building was or was not a dwellinghouse would be a matter of fact and degree. A distinctive characteristic of a dwellinghouse was its ability to afford those who used the facilities required for day to day private domestic existence’. The proposal does provide all the facilities required for day to day private domestic existence and remains separate from the adjacent staff welfare facilities, as such it is considered to form a one-bedroom residential dwelling.

7.4.3 On the basis of the definitions above, the new staff accommodation is a C3 use and would form a residential dwellinghouse. Whilst the need has been accepted on the site previously, this doesn’t provide an automatic acceptance of further workers dwellings. Therefore, the proposal is assessed on the basis of providing staff welfare facilities and a single bedroom residential dwelling. The proposed building is split into the following three areas:

- A small store of 3 x 2.5m (9.8 x 8ft) (total =7.5sqm/80.7sqft)
- Staff welfare facilities (including a kitchenette in living area) of 3.5 x 4.5m (11 x 14.7ft) (total = 15.75sqm/169sqft)
- Overnight staff accommodation (including kitchenette in main living area, shower room, store, wardrobe/cupboard and bedroom) of 9.5 x4.5m (31 x 14ft). (total = 42.75sqm/460sqft)

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

- It can be demonstrated that the dwelling is essential to the needs of the business (i.e. there is a need for one or more workers to be readily available at most times).
- It can be demonstrated that the enterprise has been established for at least three years and is, and should remain financially viable.

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

7.4.5 The purpose of the building is to provide an additional onsite employee accommodation to support the owner's retirement as they will no longer be involved in the day to day running of the business. The kennels and cattery business is supported by the existing owners property (secured via site licence) and the managers accommodation (secured via planning condition) on the site. Part of the justification for permitting the managers accommodation under application 16/00226/FUL was due to the changes in circumstances of the owners and their practicality issues of running the site. The current application proposes a further single bedroom unit of accommodation to facilitate the owner's retirement, alongside the staff welfare facilities. However, the owners retirement would not warrant automatic need for a second residential dwelling on the site.

7.4.6 Alongside demonstrating an essential need, policy HOU5 requires the proposed dwelling to be no larger than that required to meet the functional needs of the enterprise. Licensing consider it 'advisable for there to be at least two members of staff on site at all times to fully supervise the premises and act as a back-up in case a sole staff member had an accident and needed urgent assistance'. The Licensing Officer adds 'in my opinion, as the maximum number of boarded cats is 65 and boarded dogs is 60, during the time when the facilities are at a high level of occupancy, I believe at least one staff member would be required to be alert in order to carry out nightly site patrols, CCTV surveillance, etc'. It is accepted that two members of staff are required on site in line with the above, however this does not mean it is essential for two workers to actually live on site and doesn't warrant an essential need for a further residential dwelling. An area where an employee, can rest, use the facilities and eat is required, if they so happen to be on a night shift, as the business already has a manager living on site. Furthermore, licencing have advised that the second member of staff should remain alert.

7.4.7 It is accepted there is a need for facilities to support that secondary staff member who will be present on site, alongside the manager. As part of this acceptance a request was made to reduce the scale of the proposal, as it was considered that whilst staff

facilities were required for a place to rest, a separate self-contained residential property was not necessary on the site. Officers suggestion was to have a communal room with kitchenette to allow workers to eat or rest, with a shower room and single bedroom individually coming off that main space. It would still allow for the employee working during the night to have a place of rest and meet the needs of the business. The applicant was advised that the proposed double bedroom with wardrobes and self contained living space, was a greater area of space than required. The suggestion was not taken on board and the agent advised they wished to proceed with the current design. The Officers request to amend the proposal was denied and the agent remained of the opinion that the accommodation was not a residential dwelling, however members will see in paragraphs 7.4.1-7.4.3 how it is defined as residential C3 dwellinghouse, and in of a similar nature to the previous proposal in application 09/00802/FUL.

- 7.4.8 A staff welfare facility, would allow employees to make food, drinks, have access to a toilet and somewhere to rest. A reduction in scale and the removal of the self-contained unit, still supports all of those tasks and essentially the longevity of the business. The key factor is that it supports the employee who is only there to work their shift or the period of cover (i.e. holidays, sickness) and then return to their main residence off site. The managers accommodation provides that on site residency, as does the dwelling which the owners are currently residing in. If the owner wishes to retire, then the existing manager accommodation can provide the onsite residency and the new staff facilities provides the secondary support.
- 7.4.9 As for the other matters of policy HOU5 the proposal doesn't involve a new business and it is accepted that the business has been established for at least three years. No evidence has been provided to demonstrate that there are no other properties suitable in the local area for workers. The Planning Statement advises that the nature of employment it is incredibly difficult for the business to attract and retain staff and staff will not typically travel for such employment. However, nothing has been evidenced within the application to support this claim. In any event this is not a sufficient reason to allow a new residential dwelling on site. The site is close to the settlements of Sutton, Mepal and Witcham where staff could easily travel to the site for work. A worker would then be able to work any shifts required from a permanent residence offsite and be supported by staff facilities. Furthermore, it isn't evidenced that the construction isn't unusually expensive for what the business can sustain. The application hasn't confirmed if any buildings have been sold from the site in the last 5 years and there is no confirmation that there are no other buildings on the site suitable for conversion to a residential dwelling.
- 7.4.10 The agent made the suggestion of restricting the use of the accommodation through planning conditions. However, it is evident from the planning history that conditions to restrict the temporary/ad-hoc use of accommodation or limiting the number of nights the accommodation is used for has failed. The previous applications evidence that the managers accommodation has been lived in as a permanent residential dwelling and operating in breach of the planning conditions attached to 10/00138/FUL. Officers are hesitant to apply this approach given the sites planning history and there are concerns with the enforceability of this condition.
- 7.4.11 In summary, the proposal has failed to demonstrate an essential need for an additional dwelling on the site to serve the business and the retirement of the owners would not

justify as the essential need. Furthermore, it hasn't been demonstrated that the other requirements of policy HOU 5 have been met. The comments of the Planning Inspector (paragraph 7.2.3) have been reviewed alongside this application, as it applies to the current proposal. It is considered the situation is mirrored by this application and since that appeal decision the onsite accommodation has evolved. If the owners were to retire the managers dwelling then provides the onsite residency and the reduced scale of welfare facilities as suggested by the Officer provides the emergency or cover accommodation. As such, no essential need has been demonstrated and the application fails to meet the requirements of policy HOU5 and consequently GROWTH 2.

7.5. Residential Amenity

7.5.1 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. The application proposes the replacement of the existing staff facilities, the mobile home in the northern corner, and the construction of a staff welfare facility and staff accommodation unit. The building will be located in the current area of the mobile home, however it will be larger than the existing massing present on the site. The building will span a length of 16m (52.4ft) along the western boundary and have a ridge height of 2.95m (9.6ft). Although the built form will be approximately 1.1m (3.6ft) from the boundary, its location is not considered to result in detrimental overbearing, overshadowing or oppressive impacts to occupiers of the adjacent site. No windows are proposed on the rear elevation and all openings will project across the kennel and cattery. The introduction of a permanent building for staff facilities would not result in excessively harmful noise or disturbance. Furthermore, the location and scale of the staff facilities and accommodation unit is not considered to harm the amenity of existing residential units on the site. As such the proposal complies with policy ENV2.

7.6 Visual Amenity

7.6.1 Policy ENV1 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour create positive, complementary relationships with existing development and enhance where possible. In accordance with policy HOU5 the proposal should be well landscaped and sited to minimise visual intrusion, remaining in close proximity to existing buildings to meet the functional need of the business. It is considered the location of the building would not result in visual intrusion or a dominant structure within the open countryside. It is well screened by existing western and northern boundary vegetation and sits within the existing complex of the kennels and ancillary buildings. The building is considered to be sensitively designed, as the flat roof design ensures the massing is minimised. No formal landscaping plans have been submitted, however a condition could be applied to ensure that full details of soft landscaping are secured. Materials proposed for the building include painted timber cladding, flat roof black EPDM membrane, white uPVC windows and doors. It is considered these are appropriate for the countryside location and sympathetic to the surrounding buildings.

7.7 Highways and Parking

7.7.1 Local Plan policy COM7 requires the proposed new access to provide a safe and convenient access to the public highway. Policy COM8 of the East Cambridgeshire Local Plan 2015, requires proposals to supply appropriate car parking. The application maintains the existing access point and the parking area to the front of the site is unchanged. The facilities are to support the existing workforce and it is considered no increase in parking provision is required. There is a pedestrian footpath to the building from the front car park.

7.8 Biodiversity

7.8.1 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 addition, the Natural Environment SPD seeks to establish biodiversity net gain. The Local Plan 2015 includes 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.

7.8.2 The application site is the existing kennels and cattery site and the particular area of the development is situated along the western boundary. The western boundary is characterised by an existing mature hedgerow which is important for not only biodiversity but the screening of the site. There is no indication of its removal and to ensure its protection during construction, a condition could be applied for a method statement to detail construction methods due to the proximity and any protection fencing. To the northern boundary there are some large leylandii trees, however these are at some distance from the development and are not considered to be at risk.

7.8.3 Whilst this application is for full planning permission, it was considered unreasonable to request a full ecological report given the retained green features and the use of the site. It is understood that due to the use of the site, there will be a degree of noise and disturbance to wildlife due to the animals boarding. The proposal will see the removal of the existing mobile home on the site, which is still in use for storage and staff facilities. The mobile home has not been abandoned and is not of a condition which would leave it open to wildlife. Furthermore, this area of the site is regularly maintained and in use by staff. It is considered the removal of this structure would not result in detrimental harm to wildlife or protected species in accordance with the Standing Advice from Natural England. As mentioned previously, there is a mature hedgerow along the western boundary which will offer a significant contribution to the biodiversity value of the site. To add to the existing vegetation, a soft landscaping condition would be applied, alongside a biodiversity enhancements condition to secure a net gain from the development. It is expected that enhancement measures may need to be located on more quieter areas of the site.

7.9 Drainage

7.9.1 The application site is situated within Flood Zone 1. Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. The policy states that development would not be permitted where it would intensify the risk of flooding for the development or surrounding properties elsewhere, it should also take into account climate change allowances and surface water runoff.

The application doesn't evidence how foul and surface water will be drained. As such a condition would be required to ensure this details are secured and the proposal doesn't result in a flood risk.

7.10 Energy and Water Efficiency and Renewables

7.10.1 The recently adopted Climate Change Supplementary Planning Document predominantly focusses on providing additional guidance to the implementation of Local Plan Policy ENV 4 – Energy and water efficiency and renewable energy in construction. Policy ENV 4 states all proposals for new development should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable. The agent advised that as a new building (rather than a static caravan which it replaces) it would be built to current building regs standards and so would be far better than the existing provision. It was advised that the buildings energy source could be served by solar or an air source heat pump, however this detailed consideration hasn't been made at this stage. Consideration has been had on the inclusion of measures to deliver an energy efficient development and the proposal is considered to address policy ENV4 and the Climate Change SPD.

7.11 Planning Balance

7.11.1 The proposal is considered to fail to demonstrate an essential need for a further workers dwelling on the site to support the business. In accordance with policy GROWTH 2 and HOU 5 no essential need has been demonstrated and the proposal is considered to be larger than that required to meet the requirements of the business. The application is therefore recommended for refusal.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/00818/FUL	Molly Hood Room No. 011 The Grange Ely	Molly Hood Planning Officer 01353 665555 molly.hood@eastcambs.gov.uk
07/00231/FUL		
09/00802/FUL		
10/00138/FUL		
15/01280/CLE		
16/00226/FUL		
16/00851/FUL		
16/01538/FUL		
04/01490/FUL		

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

21/01178/FUL

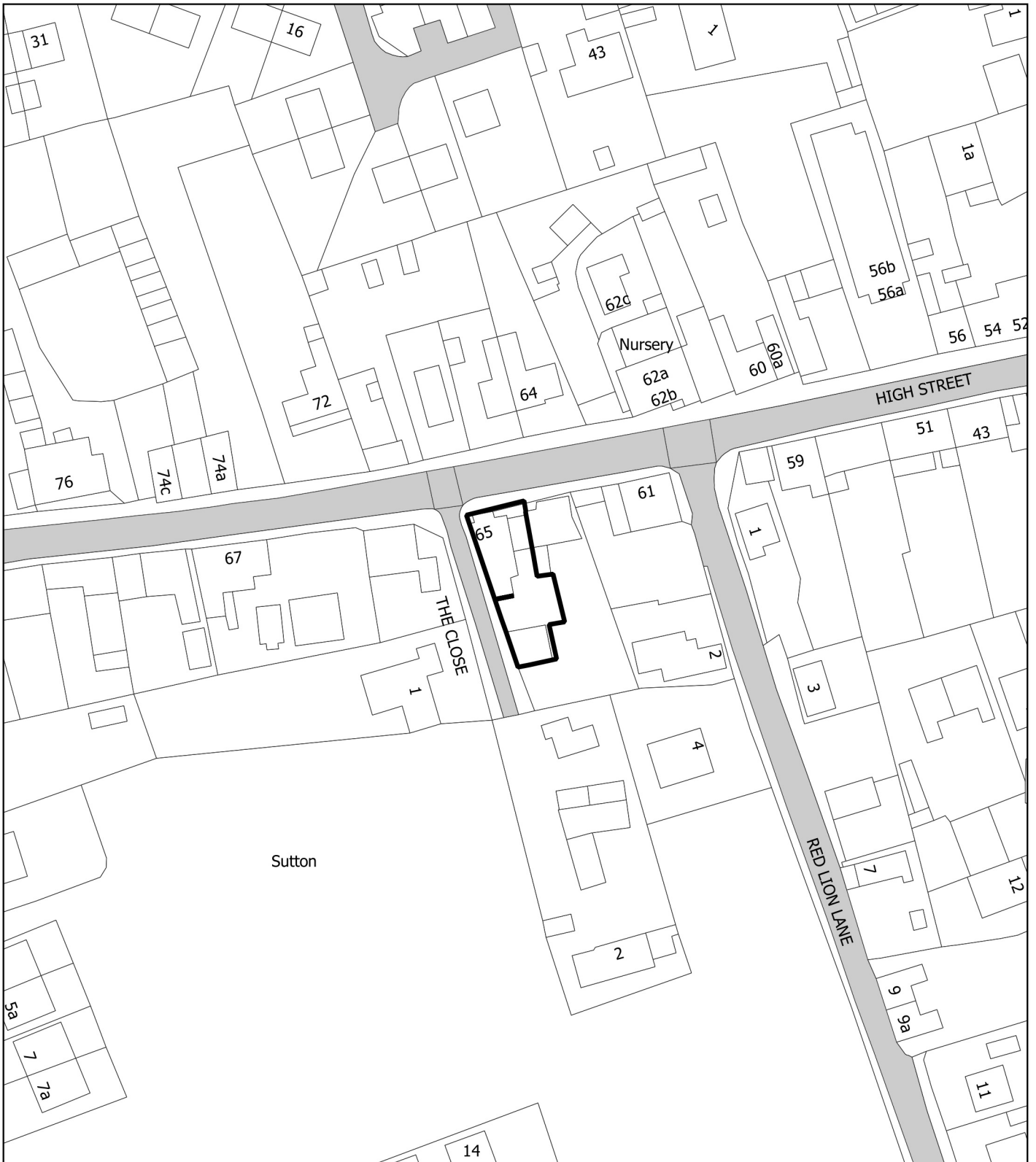
Deli@65
65 High Street
Sutton
Ely
Cambridgeshire
CB6 2NL

New ducting system, odour control measures to existing A1/A3 use with ancillary hot food takeaway, revised opening hours and first floor flat, access, parking and site works

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

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QXK8X6GGM0P00>





21/01178/FUL

Deli@65
65 High Street
Sutton



East Cambridgeshire
District Council

Date: 18/10/2021
Scale: 1:1,000



© Crown copyright.
All rights reserved 100023279 (2020)

MAIN CASE

Reference No: 21/01178/FUL

Proposal: New ducting system, odour control measures to existing A1/A3 use with ancillary hot food takeaway, revised opening hours and first floor flat, access, parking and site works

Site Address: Deli@65 65 High Street Sutton Ely Cambridgeshire CB6 2NL

Applicant: Six And Five Developments

Case Officer: Molly Hood Planning Officer

Parish: Sutton

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

Date Received: 9 August 2021 **Expiry Date:** 10/11/2021

Report Number W91

1.0 **RECOMMENDATION**

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

- 2 Time Limit -FUL/FUM/LBC
- 3 Use Class
- 4 Specified Materials
- 5 Noise
- 6 Operational hours
- 7 Construction times - Standard hours
- 8 Sound insulation
- 9 External plant machinery
- 10 Maintenance
- 11 Waste
- 12 Occupancy restriction
- 13 Garages and parking
- 14 Biodiversity Improvements
- 15 Parking & turning

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks permission for the construction of a first floor flat above the existing ground floor commercial premises. The application will continue the existing use class of A1/A3 with ancillary takeaway, but seeks permission for the addition of a new ducting system and odour control measures.
- 2.2 The application seeks permission to extend the existing building and add first floor above the existing commercial premises to form 1no. residential flat. The proposal includes raising the ridge height to 5.2m (17ft) and extending above the existing ground floor-built form. The length of built form at first floor will be 10m (32.8ft) in width, as it projects across the existing archway and have a depth of 12.25m (40.1ft). The existing A1/A3 ground floor space will be retained and the residential flat will have a separate entrance.
- 2.3 The new ducting system is proposed on the western elevation and extend up the building to allow the flue to sit above the ridge. The flue will have a width of 0.6m (1.9ft) and extend 1.8m (5.9ft) above the ridge height.
- 2.4 The sites planning history should be noted with this application. The existing use of the A1/A3 use with ancillary hot food takeaway was permitted in 2013 to allow for a deli/café with the hot food takeaway of items such as sausage rolls, soup, sandwiches and similar products. Permission 13/00333/FUL permitted the opening hours of Monday – Saturday 08:00-20:00 and closed on Sunday. A variation was sought in 2015 (15/00091/VAR) to these opening hours and the permitted operational hours for the premises were changed to 07:30-19:00 Monday-Thursday, 07:30-22:00 Friday – Saturday and 10:00-16:00 on Sundays. Some years following this application 19/01635/FUL permitted the construction of a first floor flat and the continuing use of the ground premises as the A1/A3 use with ancillary takeaway. Most recently an application was withdrawn earlier in 2021 for the change of use of the existing café to sui generis to a hot food takeaway, in conjunction with alterations and additions to No.1 first floor flat. Following this withdrawal we now have the current submission which seeks to maintain the A1/A3 use with ancillary takeaway but seeks to introduce a new ducting system, odour control measures and the first floor.
- 2.5 The application has been called into Planning Committee by Councillor Dupré and Councillor Inskip for the following reasons: parking, hours of opening, noise, the compliance with the Sutton Neighbourhood Plan and the possibility of it forming a takeaway.
- 2.6 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

3.1

79/00351/FUL	Erection of building to form new butchers shop and adjoining two storey residence & demolition 7 existing buildings	Approved	11.06.1979
11/01010/FUL	Change of use from A1 (butcher shop) to A5 (take away) and installation of extractor fan	Refused	02.02.2012
12/00814/FUL	Change of use from A1 (butchers shop) to A5 (take away) and installation of extractor fan	Withdrawn	21.09.2012
13/00333/FUL	Change of use from A1 (previous butchers shop) to a deli/cafe (mixed use A1/A3) use with ancillary hot food takeaway (eg sausage rolls, soup, coffee, toasted sandwiches and similar products) and installation of extraction equipment	Approved	07.01.2014
15/00091/VAR	To vary Condition 3 (opening hours) of previously approved 13/00333/FUL for Change of use from A1 to a deli/cafe (mixed use A1/A3) use with ancillary hot food takeaway	Approved	02.04.2015
19/01635/FUL	Continue use of Shop /Cafe with Alterations & Additions to form 1 No. First Floor Flats, Access, Parking & Site Works.	Approved	21.04.2020
21/00220/FUL	Change of Use of Existing Cafe to Sui Generis (Hot Food Takeaway) in Conjunction with Alterations & Additions to form 1 No. First Floor Flat, Access, Parking & Site Works (approved & extant permission - Ref. No. 19/01635/FUL).	Withdrawn	11.06.2021

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is situated within the settlement boundary of Sutton and is situated in an area with a mix of commercial buildings and residential dwellings. The site is also situated within the Conservation Area for Sutton. The site currently forms a single storey building which has a A1/A3 use, with ancillary takeaway, there is a shared access along the east elevation which leads to the two garages and parking for the building.

5.0 RESPONSES FROM CONSULTEES

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

Environmental Health - 19 August 2021

We have commented on this site in the past and I include our previous comments below for reference.

'The NIA and the Design Specification Document are the same as previously submitted as part of 21/00220/FUL so my comments remain the same as below.

All of my previous comments will still be applicable to this application but if you need to discuss any of them with me I'd be happy to do so.

'I have read the Design Specification Document.

There are several sections which detail the required cleaning and maintenance schedule for each part of the system. I would recommend a condition which stipulates that these schedules must be followed and records kept for inspection when requested.

With regard to odour control, the report advises that there will be a Plasmaclean 4200 ozone unit which will release ozone into the ventilation system to mitigate the odour. As long as the filters are changed in accordance with the manufacturer specification and a yearly service undertaken there shouldn't be an issue with odour from the extract system. The maintenance of this system would also fall under the recommended condition above.

I note the number of neighbour responses concerning noise and odour from the mechanical plant. The applicant has provided supporting information on how these will be mitigated and so I would not wish to object on these grounds. Planning permission does not confer immunity from action under statutory nuisance. Either by local authority or a private individual. This means that if permission is granted and a noise or odour issue is present the Environmental Health department can investigate and require steps be taken to abate the nuisance if it can be evidenced that a statutory nuisance is present.'

Environmental Health – 18 October 2021

You have asked for some additional comments concerning the extract ducting which appears to exit the kitchen through Bedroom

1. The plans indicate that there will be a “fire rated/acoustic enclosure around extract duct” in the Bed 1 which will afford some mitigation.

This isn't an arrangement I have come across before but I have discussed the matter with Karen. I had previously commented on application 19/01635/FUL which was partly to form 2 first floor flats. As long as the condition remains which restricts the occupancy of the proposed flat to those connected with the business I will have no issues to raise with regard to residential amenity of the occupier of the flat above the commercial element but I would recommend the following condition –

“Low frequency noise from the extract system shall not exceed the criteria in any single 1/3 octave-band between 10 Hz and 160 Hz as outlined in Guidance Note NANR 45: ‘Proposed criteria for the assessment of low frequency noise disturbance’ in Bedroom 1.”

I have included the graph below for reference.

I would advise that the best available means are utilised in order to protect the future occupants of the first floor dwellings from noise as if a problem is identified post hoc it is often more costly and difficult to rectify. We do receive complaints from those who live above businesses and so the applicant should utilise the best available methods of insulating the proposed dwellings from sound. This is more of a matter for Building Control but I would advise that the first floor dwellings are assessed for compliance against Approved Document E - Resistance to the passage of sound.

You have asked for additional comments on the proposed opening hours.

I had previously advised that –

“Section 19 of the Application Form states the desired hours of 12:00 – 23:00 Mon – Sunday. Sutton Tandoori which is also located on the High Street has a closing time of 23:00. Taking this in to account I would not feel justified objecting to the proposed opening hours in the Application Form and would request that these times are conditioned if planning is granted.”

It doesn't appear as though this latest application is seeking hours outside of this but please let me know if I've misinterpreted.

You have asked for comments on the new ducting system on number 63 High Street. I had previously advised –

“The report considers the impact on the neighbouring properties – 65a High Street, 1 The Close, 70 High Street. The direct neighbour (63) has not been considered in the report. However, I can see that the location of the kitchen extract is located sensibly away from number 63. Taking this in to account I would expect there to be similar results at number 63 to those found at number 65a.”

You have asked for clarification on Paragraph 4.5 of the NIA –

'The plant equipment would only operate during the daytime period when the kitchen is in use; no plant equipment would operate at night.'

This section of the NIA is specifically talking about the kitchen extract fan and kitchen supply fan and is advising they will not be in use once the kitchen is closed. I see no issue with this statement and have interpreted its purpose as to distinguish itself from other mechanical plant you may find in shops and supermarkets such as inverters which do operate all night to cool fridges and freezers.

Local Highways Authority - 31 August 2021

The layout and access arrangements shown on the drawing 19:105-101 are as per those previously approved under the application 19/01635/FUL. I therefore do not object to this application.

Condition HW14A is recommended.

Waste Strategy (ECDC) - 23 August 2021

No objection, comments added as an informative.

Cambridgeshire Fire And Rescue Service –

No Comments Received

Parish - 26 August 2021

Sutton Parish Council supports the objections and comments made by residents. The Parish Council resolved to outright refuse the application for the following reasons: -

The opening hours proposed by the Applicant: 12.00 - 23.00 seven days a week would be a very significant change to the existing permission (07:30 - 19:00 each Monday to Thursday, 07:30 - 22:00 each Friday to Saturday and 10:00 to 16:00 each Sunday) (Please note the opening hours have already been previously extended to help the viability of the Deli). Extending the hours would have a significant adverse impact on local residential amenity. This extension of opening hours is not referred to in the consultation letter.

The Application Form appears to be applying for a change of use from the existing (a deli/cafe (mixed use A1/A3) use with ancillary hot food takeaway (e.g. sausage rolls, soup, coffee, toasted sandwiches and similar products)) to A3 Restaurant and Café. This change of use is not specifically mentioned in the consultation letter sent out by the Council to local residents. It raises a number of concerns; Councillors may recall that the specific reference to 'ancillary hot food takeaway' was included in the Deli consent to prevent the premises becoming a full blown takeaway.

Detailed concerns relating to the current Application:

1. Page 3 of the Noise Assessment report provided by the Applicant states:
'The closest residential properties to the proposed plant equipment is the two storey house at 65a High Street and the bungalow 1 The Close, both to the west of the proposal site, whilst 70 High Street (two storey house) is opposite the proposed unit to the north.'

We find it surprising that the report makes no reference to the physically adjoining property (No 63), where the bedroom windows will be very close to the extract fan - less than two car lengths away. The District Planning Committee has previously given great weight to the impact on the residential amenity of No 63 when considering and rejecting previous applications. The Parish Council also recommended that the previous Application should be refused, citing the objections of local residents and making specific reference to the impact of the proposed flue. We hope that these extremely valid concerns will not be overlooked - to put an extract flue so close to a neighbour's bedroom window would be downright wrong

2. In Para 4.5 the Noise Assessment Report it is stated that:
'The plant equipment would only operate during the daytime period when the kitchen is in use; no plant equipment would operate at night.'

However, the proposed opening hours are until 11pm every night and no doubt the extract would have to be operated even longer than this - whilst the equipment cools and the kitchen is cleaned. The Assessment report appears to us to be flawed in these respects.

3. The Design Specification (final page) provided by the Applicant, lists the equipment as including:
Indian Cooker, Tandoor, Twin Fryer
The kitchen layout has practically no provision for the preparation space - sandwiches, coffee making, dishwashing etc. that you would expect in a cafe, it is a takeaway food kitchen layout.

Given the pm opening hours proposed and the equipment itemised, it does seem clear that what is being proposed is an Indian Restaurant / Takeaway rather than a Village Cafe.

4. Parking provision for the premises is inadequate. If the two garage spaces are allocated to the residents of the flat this leaves no parking for shop customers, staff and deliveries. There is currently a problem with parking on this part of the High Street with drives being blocked and parking on the pavement causing obstructions.
5. The storage for the premises is inadequate and so it is quite clear that the garages will be used for storage, thus removing the only available parking provision for the shop and flat.
6. The existing permission limits the amount of sales that can be on a takeaway basis, to prevent the premises becoming a takeaway by stealth, and to preserve local residential amenity; this restriction in use should not be lost.
7. We pointed out previously, in response to the last Application in May, that there is no space in the yard which the Applicant can use for storage of waste without causing an obstruction to the adjoining (No 63) owners' access rights (as specified in the title deeds). However, the Applicant has stated once again that there is 'adequate space on site' - this is incorrect.

8. The adverse impact on the Conservation Area of the proposed substantial extract chimney will be significant and was considered a concern by the District Council previously. The views up the hill towards the Village are important and the flue will be very visible.
9. Environmental Health response, has not picked up on the extension to the hours on the application
10. The Sutton Neighbourhood Plan policies need to be taken into consideration for this premises

Policy NP9 - Protecting existing services and facilities

Proposals that will result in the loss of valued facilities or services which support a local community (or premises last used for such purposes) will only be permitted where:

1. it can be demonstrated that the current use is not economically viable nor likely to become viable. Where appropriate, supporting financial evidence should be provided including any efforts to advertise the premises for sale for a minimum of 12 months; and
2. it can be demonstrated that there is no local demand for the use and that the building/site is not needed for any alternative social, community or leisure use; or
3. alternative facilities and services are available, or replacement provision is made, of at least equivalent standard, in a location that is accessible to the community it serves with good access by public transport or by cycling or walking.

Policy NP11 - Retail premises

Planning applications for the loss or change of use of shops (or premises last used as shops) will not be permitted unless it can be demonstrated that the use is no longer viable or that the change of use will not have a detrimental impact on the vitality and viability of the centre. Proposals for new or extended shops or services within the existing centre, as defined on the Proposals Map, will be permitted provided that there is no adverse effect on residential amenity or environmental quality or the role, function and hierarchy of other centres in the district.

Ward Councillors – 13 October 2021

Councillor Dupré and Councillor Inskip- Availability of street parking is already extremely limited in the section of the High Street in Sutton between the Sutton Tandoori restaurant and takeaway (46 High Street), and the Sunrise takeaway (74 High Street) particularly when residents living in the High Street return home in the evening. The existing opening hours for the premises at 65 High Street are limited to the hours of 07:30 - 19:00 each Monday to Thursday, 07:30 - 22:00 each Friday to Saturday and 10:00 to 16:00 each Sunday. The new application, if approved, would revise those opening hours to 23:00 every night of the week and therefore lead to very significant additional pressures on parking on this section of the High Street.

In paragraph 4.5 of the Noise Assessment Report it is stated that:

“The plant equipment would only operate during the daytime period when the kitchen is in use; no plant equipment would operate at night.”

The rated noise levels are calculated to not exceed the typical daytime background noise climate by applying attenuation to the kitchen supply and extract fans. The proposed opening hours are however to 23:00 every evening and it would be expected that the plant equipment would therefore also need to operate until late evening.

The Noise Assessment Report only considers the impact on three neighbouring properties; 65a High Street, 1 The Close and 70 High Street but not the direct neighbour (63).

Policy NP12 – Retail Premises of the Sutton Neighbourhood Plan states that “Proposals for new or extended shops within the existing centre, as defined on the Proposals Map, will be permitted provided that there is no adverse effect on residential amenity or environmental quality or the role, function and hierarchy of other centres in the district.”

The additional kitchen supply and extract fans with operation into the evening, combined with the additional pressures on on-street parking as a consequence of the significant extension to opening hours, will undoubtedly have an adverse impact.

Finally the existing permission limits the amount of sales that can be on a takeaway basis, to prevent the premises becoming a takeaway and to preserve local residential amenity. There is a strong concern from local residents that the significant revisions to the kitchen layout and to the opening hours are intended to allow the premises to primarily operate as a takeaway without explicit approval for such use being requested.

Conservation Officer – 15 October 2021

The application site is a late C20 single storey retail unit located within the Sutton conservation area by default. The proposed addition of a first floor as per 19/01635/FUL does not significantly add to the building’s bulk and two storey buildings are the prevailing norm in the area in any case. The resultant asymmetrical gable strikes a slightly odd note but its position on the return flank elevation is not prominent in the streetscape, so its impact is limited.

Recommendation: no objection

- 5.2 A site notice was displayed near the site on 16 September 2021 and a press advert was published in the Cambridge Evening News on 19 August 2021.
- 5.3 Neighbours – 12 neighbouring properties were notified and 130 responses have been received, which are summarised below. A full copy of the responses are available on the Council’s website.

Use Class

- It appears to be a cynical attempt to gain permission for a hot food takeaway

- The change in opening hours requested and the equipment mentioned all seem more geared towards hot food takeaway than a café.
- There is little room planned for a sandwich/snack type preparation.
- The previous deli/café managed without any specialised ducting system.
- Objections to the last application for a hot food takeaway still apply (traffic and parking, noise, smells, little, over concentration of similar facilities, anti-social behaviour, hours and loss of valued amenity).
- The cold store would be lost to the staircase for the flat and no additional storage provided.

Previous Permissions

- A similar application was considered in 2012 (11/01010/FUL and Planning Committee refused due to residential amenity harm through noise, smell and general disturbance.
- Conservation Officer considered other proposals (11/01010/FUL) with a flue approx. 1m above the ridgeline being too prominent in the streetscene and having an adverse effect on the rooflines.
- Previous application 11/01010/FUL at No.65 High Street for change of use from a butcher to a takeaway was refused on the harm to residential amenity, noise, smell, manoeuvring of vehicles, highway safety, lack of parking and adverse effect on conservation area. Nothing has changed since then.
- The parking spaces were part of the planning Unit when consent was granted for the deli/café (13/00333/FUL).

Residential Amenity

- The extractor ducting system will cause noise and smells.
- Our house (No.63) is down wind of the flue and we fear there will be noise and smells pumped into our bedroom windows at least midnight every night.
- No.63 and No.68 were not mentioned in the Noise Assessment Survey and it doesn't take into account traffic or customer noise.
- The change in opening hours are also of concern, possible for people or noise until midnight. The significant change in hours will result in disturbance.
- The shared yard is a cause for concern, as there is little space in the kitchen and space will be used outside. When the deli-café was there, staff used to sit in the yard because staff have nowhere to go.
- When the premises closes it is often its noisiest due to bins being put out and stores put away.
- The amenity of the residents above will be adversely affected by the proposed ground floor use. Conditioning does not counteract the loss of amenity.
- If the ground floor premises got hot when in use doors would be propped open allowing noise and smells to escape.
- The opening hours are until 11pm and no doubt the extraction would have to be operated even longer than this to allow equipment to cool and kitchen cleaned. The assessment is flawed.

Parking

- Insufficient parking available for a café and three bedroom flat.

- Garages are likely to be used for storage, especially as shop unit has been reduced by 8.2sqm (88.2sqft) which is a reduction in 15% and there is minimal in-shop storage.
- The garage spaces were part of the planning unit when the consent was provided for deli/café and consequently there are being double counted. The same two spaces are being counted for the deli and the flat.
- The driveway is shared with the adjoining property and cannot be used for parking. No.63 has a right of way at all times across the accessway and turning area. The turning area has to be kept clear at all times.
- Vehicles rarely enter the driveway because of the restricted access, slope and the gates.
- The access is also restricted in height by the arch and this limits access for commercial vehicles, meaning they often double parking and obstruct the highway.
- Parking from the Tiddly Tots Playgroup, offices above the playgroup, the sewing shop, hairdresser, sunrise takeaway, tandoori restaurant and takeaway and the delis original permission all have resulted in parking on the High Street. The removal of the land adjacent to No.67 have led to an increase in parking on the High Street as well.
- Access for The Close must remain unobscured for the houses and emergency vehicles.
- Parking on the High Street is already poor with private drives being blocked and danger to pedestrians with vehicles parking on the pavement.
- There are 33 on street parking spaces beside the kerb along the southern edge of Sutton High Street between the Brook and the High Street. Dwellings on the high street do not meet the parking standards of COM8. For new houses the council should be looking for an additional 7 spaces for visitors and 30 spaces for the existing house, as well as a demand for 12 cycle spaces to support the parking needs.
- The increase in traffic in the 20mph High Street zone would be considerable taking into account the trading hours and nature of the business. Increased traffic would affect the whole area.

Area

- Already have takeaway outlets (Indian & Chinese) in this short stretch which generate traffic which create noise, traffic movements and litter. A third food outlet would exacerbate the situation further and its unfair on residents to concentrate the three together.
- When the deli was in operation, the garages were used for storage and staff parked on the high street.
- It would result in overdevelopment of the site.

Conservation Area

- The flue will be very visible from the High Street, the properties in Link Lane and further down the hill.
- Detrimental to the Conservation Area.
- It is in close proximity to the 17th century property No.61 Mill House.

Neighbourhood Plan

- Failed to demonstrate how it complies with the Neighbourhood Plan.

- Contrary to the retail policy and would result in a loss of the A1 retail use within the village location.
- Takes away a social meeting place for the village.
- The delicatessen was a popular facility for local residents.

Waste

- Bins for the flat and the commercial premises would obstruct the access and there isn't provision externally without disrupting the turning area.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
COM 7	Transport impact
COM 8	Parking provision

6.2 Sutton Neighbourhood Plan 2019

NP3	Sutton Development Envelope
NP8	Preserving the Historic Characteristics of Sutton
NP9	Protecting existing services and facilities
NP11	Retail premises

6.3 Supplementary Planning Documents

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

6.4 National Planning Policy Framework 2021

- 2 Achieving sustainable development
- 9 Promoting sustainable transport
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 16 Conserving & enhancing the historic environment

6.5 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main considerations of this application are: principle of development, impact on the conservation area, highways safety, residential amenity and the visual appearance and character of the wider area.

7.2 Principle of Development

7.2.1 The application is assessed in accordance with the development plan which comprises East Cambridgeshire Local Plan 2015 and the Sutton Neighbourhood Plan. Also relevant are the associated Supplementary Planning Documents, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance. On 26th March 2021 East Cambridgeshire District Council issued a Single Issue Review of the East Cambridgeshire Local Plan 2015. One area has been identified as being in need of update, namely Policy GROWTH1 which uses an out of date housing requirement figure. The need to review the Local Plan was triggered by a number of factors including the need to re-examine the appropriate level of housing growth, to ensure there is sufficient housing land supply and to ensure the Local Plan remains up to date. The review focusses on one aspect of the Local Plan only. For the avoidance of doubt, the vast majority of the Local Plan 2015 will not be amended. While the Emerging Plan is at an early stage and carries no weight in the determination of this application, it is worth noting the current policy position.

7.2.2 Policy GROWTH 2 of the Local Plan 2015 sets out the overall strategy for the distribution of growth across the district. The policy is up-to date and aims to ensure that growth takes place in appropriate locations across the district. Within the defined development envelopes housing, employment and other development to meet local needs will normally be permitted, provided there is no significant adverse effect on the character and appearance of the area.

7.2.3 The application site is situated within the defined development envelope for Sutton. The proposal seeks to extend the building and create a first floor, which would accommodate one three bedroom flat. The building was granted permission for an A1/A3 mixed use class, with ancillary takeaway and until recently was used as a deli/café. The application will retain the existing commercial premises at ground floor and to better support the existing commercial premises, the application seeks to introduce a new ducting system. Policy COM 3 and policy NP9 of the Sutton Neighbourhood Plan seek to protect existing services and facilities which are of value to the community. Policy NP9 provides an exhausted list of those community facilities in Sutton, this includes shops, post office, pubs, the primary school, healthcare facilities, community centre, allotments, village hall, indoor sport facilities and public transport. Policy NP9 is very clear and specific about what constitutes a valued facility within the settlement of Sutton. There has been a significant volume of public comments, expressing the importance of this community facility and its previous use as a deli/cafe. In line with Policy NP9, the community facility will be retained and remain unaffected by the proposed residential flat at first floor.

7.2.4 Whilst internal reconfigurations have been made to the ground floor layout, these are not considered to impact the use of the premises as an A1/A3 use, as the new layout provides a greater floor area to the front for seating. The proposal would not result in a loss of employment premises or community facility and the flat would have a separate external entrance, not requiring access through the commercial premises. Future occupiers of the first floor flat would have good access to the services and facilities on offer within the settlement, as such making this a sustainable location. The principal of the proposal is considered to be compliant with policies GROWTH 2 and COM 3 of the Local Plan and NP9 of the Sutton Neighbourhood Plan. The proposal is still subject to all other material planning considerations being satisfied.

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. Additionally paragraph 130(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users. A number of neighbour comments have been received expressing concerns over the impacts to residential amenity from noise, odour, customers in the area, disturbance from vehicles and the opening hours. The Parish Council have also expressed concern over the impacts to the extended opening hours and the impact to No.63 from the ducting system.

7.3.2 The proposal would join onto No.63 which has no first-floor windows on the west elevation. It will remain stepped in from the elevation and whilst built form extends 5.2m (17ft), further than the neighbouring properties rear elevation, it is considered to not result in significantly detrimental residential amenity impacts. The ridge height of No.65 would sit lower than No.63 and the rear projection at first floor is a continual sloping roof, meaning that at the full 5.2m (17ft) projection the extension only adds a further 2m (6ft) to the height. In addition, 2.9m (9.5ft) separates the eastern elevation of the extension and the neighbouring property. No.63 has a single storey rear extension which runs parallel to the shared access, creating further separation between the rear projection and the private amenity space. In total there would be 6m between the side elevation of the extension and the private rear curtilage of the adjoining property No.63.

7.3.3 The design, scale and location of the first floor extension is not considered to result in significantly harmful overbearing, overshadowing or oppressive impacts. A first floor side window is proposed on the eastern elevation, however this would serve the hallway and not a habitable room. The rear elevation window, which would serve bedroom 3, is not considered to result in significant overlooking as this would predominantly project across the access, garaging and the roof of the neighbouring dwellings extension. The western elevation window is small in scale and well separated with the neighbouring property due to the road and it is not considered to result in harmful overlooking. The introduction of a first floor flat above the existing commercial premises is not considered to be significantly detrimental to residential amenity and complies with policy ENV2.

7.3.4 As the residential accommodation would be situated above the existing commercial property and the new ducting system will be run up the western elevation,

consideration has to be given to the impact on future occupiers of the flat from the commercial premises. The ducting system is to the west elevation of the building; but will largely remain internal, running into the first floor. There will be segregated internal voids adjacent to the kitchen and bedroom 1, which are accessed via two access doors from the flat. The proposal demonstrates a fire rated and acoustic enclosure around the extract duct and fire rated walls for sections on the kitchen and bedroom. The application includes an Acoustic Report by Sharps Redmore, assessing the noise associated with the fixed plant equipment to surrounding residents.

- 7.3.5 Environmental Health have no concerns with the internal elements of the extraction system providing the occupancy condition is applied to this application, tying the occupation of the flat to the business, as per 19/01635/FUL. Furthermore, Environmental Health have commented on the impact to No.63 High Street after concerns were raised by the neighbour and the Parish Council. The Officer advised the direct neighbour (63) has not been considered in the report. However, the Officer noted that the location of the kitchen extract is located sensibly away from number 63 and taking this in to account it was expected to be similar results at number 63 to those found at number 65a.
- 7.3.6 It is noted there are public concerns of odour. The Environmental Health Officer has considered the affect and is satisfied with the system and procedures put forward, not raising an objection on these grounds. The Environmental Health comments advise there will be a Plasmaclean 4200 ozone unit which will release ozone into the ventilation system to mitigate the odour. As long as the filters are changed in accordance with the manufacturer specification and a yearly service undertaken there shouldn't be an issue with odour from the extract system. There are therefore, no significant concerns of harmful noise or disturbance to the adjoining property of No.63 High Street from the new ducting system as the accommodation of the new flat will sit between the shared wall.
- 7.3.7 Concerns were also raised from the Parish and public comments about the extent the extraction will operate after closing and the noise impacts from this. Paragraph 4.5 of the NIA states - 'The plant equipment would only operate during the daytime period when the kitchen is in use; no plant equipment would operate at night.' Environmental Health have advised that this section of the NIA is specifically talking about the kitchen extract fan and kitchen supply fan and is advising they will not be in use once the kitchen is closed. The Environmental Health Officer saw no issue with this statement and have interpreted its purpose as to distinguish itself from other mechanical plant you may find in shops and supermarkets such as inverters which do operate all night to cool fridges and freezers. There are no significant noise concerns over the extraction system or this operating after the closing time of 11pm.
- 7.3.8 The A1/A3 use class remains the same and the bedrooms for the flat are primarily located over the shared access or storage areas to the rear, not the main seating area for commercial premises below. The application seeks to extend the opening hours to 12:00 – 23:00 Monday – Friday. The existing opening hours for the A1/A3 use are 07:30– 19:00 Monday – Thursday and 07:30 – 22:00 Friday and Saturday, with shorter Sunday openings between 10:00-16:00. The revision moves the window of the activity at the premises further into the evening and will extend opening hours on a Sunday. Consideration of the surrounding commercial premises including the two takeaways, village shop and pub has been taken into account and these vary in closing times

between 22:00 or 23:00. Whilst the proposed opening hours will alter the activity periods at No.65 the hours are not considered to be out of character with the surrounding commercial premises or the use class already permitted for the site. The site is within a mixed residential and commercial area of Sutton and given the floor space the extended evening hours is not considered to result in significant noise or disturbance to the residential amenity of the surroundings occupiers.

7.3.9 In line with the comments from Environmental Health a condition will be applied to ensure adequate sound insulation is provided between the ground floor commercial premises and the first floor flat, as well as the internal walls of the flat along bedroom 1 and the kitchen where the new ducting system will be installed. In addition, a condition will be applied preventing any further mechanical plant from being installed without prior approval from the LPA and Environmental Health have recommended a noise condition. The new opening hours will also be conditioned and the premises will not be permitted to operate outside of those. It is considered that the residential amenity of future occupiers or those existing neighbours would not be significantly impacted by the continuing A1/A3 with revised opening hours or the ducting and odour control measures. As such the proposal is considered to comply with policy ENV2 and paragraph 130(f) of the NPPF.

7.4 Visual Amenity and Heritage

7.4.1 The proposed first floor addition would be notable within the streetscene of the High Street, especially when approaching from the west. The extension would be stepped back from the front elevation of the neighbouring property and the sloping roof design for the rear projection minimises the bulk of the extension. Even with the first floor addition, No.65 is considered to remain subservient to the neighbouring property and the design of the building ensures a dominant level of built form would not be introduced. The immediate streetscene has a large proportion of two storey or one and a half storey buildings, therefore the addition of a first floor would not be out of keeping with the existing context.

7.4.2 Public concerns have been received over the impact of the flue to the character of the area, views from down the hill and the detriment to the heritage assets. As for the new ducting system on the western elevation, this largely remains internal. The louvre and flue pipe are not considered to be harmfully prominent in the streetscene or compromising to the appearance of the building or heritage assets.

7.4.3 Policy ENV1 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 brickwork, roof tiles and windows proposed will match those of the original dwelling, ensuring the extension will remain in keeping and similar in appearance. A small section of Marley Cedar Lap Weatherboard in a slate grey is proposed on the front and rear elevations, whilst this is not present on the building, it is not considered to be significantly harmful given the range of materials present within the streetscene.

7.4.4 The site is situated within the Sutton's Conservation Area. The public and Parish Council have raised concern over the adverse impact to the Conservation area from the substantial extract chimney. Policy ENV11 of the Local Plan states that development proposals within Conservation Areas should be of a particularly high

standard of design and materials in order to preserve or enhance the character the area. This is supported by Policy NP8 of the Sutton Neighbourhood Plan, which expects new development to demonstrate how they protect and where possible, enhance the Conservation Area. In addition section 72 (1) of the Listed Buildings and the Conservation Areas Act 1990 requires special attention to be paid to the desirability of preserving and enhancing the character of appearance of an area, with respect to any buildings or other land in a Conservation Area. The Conservation Officer advised the proposed addition of a first floor as per 19/01635/FUL does not significantly add to the building's bulk and two storey buildings are the prevailing norm in the area in any case. The resultant asymmetrical gable strikes a slightly odd note but its position on the return flank elevation is not prominent in the streetscape, so its impact is limited. The proposal, including the flue element, is not considered to result in significant harm to the Conservation Area and would remain in keeping with the character of the area, complying with policy ENV11 of the Local Plan 2015 and NP8 of the Sutton Neighbourhood Plan.

7.4.5 In accordance with paragraph 202 of the NPPF the proposal would give rise to less than substantial harm to the significance of the heritage asset; and there will be limited public benefit.

7.5 Highway Safety

7.5.1 Neighbour concerns were raised over the available parking provision for the ground floor premises and the first floor flat. The public comments have referenced that the parking in the garages has been duplicated and there are safety concerns over the access and the existing demand for parking along the High Street. The Parish Council have raised concern over the parking being inadequate and with the garages being for residents of the flats, it leaves no parking for customers or deliveries. The previous deli/café had no customer parking as the access is gated and it is assumed due to the size of the vehicular access that deliveries would have been kerb side. The proposal would not alter any of the existing situation as the parking to the rear of the site will be still maintained for the employee. Previous application 19/01635/FUL for the first floor flat counted the two garage parking spaces for the residential accommodation as well as employee parking, as the occupancy of the flat was tied to the worker of the commercial use. Therefore, the resident/worker will be the only person needing and permitted to use the garages for parking. A condition will be applied to ensure the garages are only used for parking.

7.5.2 It has previously been considered under application 19/01635/FUL that adequate provision can be provided for two off street parking spaces within the existing garages and there is sufficient space to the front of the garage for turning. Therefore, the proposal would supply appropriate parking facilities for the residential accommodation, complying with policy COM8. Furthermore, it is considered that safe and convenient access can be achieved and the neighbouring property who shares the turning area is not compromised. The Local Highway Authority raised no objection to application and advised the layout and access arrangements shown on the drawing 19:105-101 are as per those previously approved under the application 19/01635/FUL.

7.6 Biodiversity

7.6.1 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 addition, the Natural Environment SPD seeks to establish biodiversity net gain within proposal. It is noted the site has limited opportunities to incorporate enhancement features. Whilst this application is for full planning permission, it was considered unreasonable to request a full ecological report given the constraints of the site. No.65 is located in the town centre with brick walls to the boundary treatments, apart from the vehicular access point. In addition, the commercial use of the building is likely to add disturbance and there are no landscaping opportunities. It was considered the only viable opportunity to provide enhancement is via elevational bird, bat or insect boxes. As such a condition for biodiversity enhancements can secure these details.

7.7 Climate Change SPD

7.7.1 The recently adopted Climate Change Supplementary Planning Document predominantly focusses on providing additional guidance to the implementation of Local Plan Policy ENV 4 – Energy and water efficiency and renewable energy in construction. Policy ENV 4 states all proposals for new development should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable. The opportunity was provided to the agent, however no comments were received. Whilst the Council does encourage the use of measures to improve energy efficiency and the use of renewables, the lack of detail in this application would not warrant refusal.

7.8 Other Matters

7.8.1 Public comments have raised concern over waste storage for the commercial premises and the first floor flat. If the application was to be approved there would need to be a suitable refuse and recycling storage point. It is considered that this can be achieved on the site to the rear of the building, without compromising the turning facilities. It was noted during an Officer site visit that No.63 store their bins within this area as well. Therefore, it can be handled via a planning condition.

7.8.2 Neighbour letters have raised concerns over the viability of the commercial premises as a result of the residential accommodation. In particular, one comment raised concerns over the loss of the cold store and garages. The cold store will remain with the commercial premises and the garages will be retained as parking for the resident/employee of the commercial premises. The agent has confirmed that it is the intention to have the manager/employee living within the accommodation above. This would alleviate parking concerns and the need for more than two off street parking spaces, which can be secured via condition.

7.8.3 A number of public comments and the Parish Council have expressed concern that the application is a change of use to either an A3 restaurant and café or a takeaway and that the A1 use is being lost, contrary to the Neighbourhood Plan. The application is not seeking a change of use to a takeaway and will be maintaining the existing A1/A3 use with ancillary takeaway. It should be noted that an A3 use as defined by the

use class order is a restaurant and café. There is nothing within the application to evidence a change of use and the applicant has confirmed the mixed use will be retained. In addition, the Use Classes Order has been updated since August 2021 and both uses now fall within Class E. Class A1 became E(a) and A3 became E(b). In any event to change the use to a takeaway, a separate planning permission would be required as this now falls as a sui generis use. A condition will be imposed to ensure that the use remains within the confines of A1/A3 use within the new Class E.

7.8.4 The Parish Council comments raise concern over the storage areas and equipment listed for use stating that is more suited for a restaurant /takeaway rather than a village café. However, it should be noted that the authorised use at the premises is an A1/A3 use class meaning it could be a shop, restaurant or café. It is not the responsibility of the Local Planning authority to dictate the equipment or internal layout of the commercial space, the same applies to the storage areas.

7.9 Planning Balance

7.9.1 The proposal is considered to comply with the aims and objectives of policies within the East Cambridgeshire Local Plan, and the 2021 NPPF. The scheme is not considered to result in harm to highway safety, detrimental residential amenity impacts or significant harm to the streetscene and conservation area. Therefore, the application is recommended for ~~refusal~~ approval¹.

8.0 APPENDICES

8.1 Appendix 1: Recommended Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/01178/FUL	Molly Hood	Molly Hood
19/01635/FUL	Room No. 011	Planning Officer
21/00220/FUL	The Grange	01353 665555
13/00333/FUL	Ely	molly.hood@eastcambs.gov.uk
11/01010/FUL		
12/00814/FUL		
15/00091/VAR		
79/00351/FUL		

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

¹ Typographical error corrected by the Case Officer after publication and advised to the Committee on 03/11/21.

21/01178/FUL Conditions:

Approve

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>
Noise Impact Assessment		9th August 2021
Design Specification		9th August 2021
19:105-100		9th August 2021
19:105-101		9th August 2021
EQ1408-899-02		9th August 2021

1 Reason: To define the scope and extent of this permission.

2 The development hereby permitted shall be commenced within 3 years of the date of this permission.

2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

3 The use hereby permitted shall only be used for purposes within Classes E(a) and E(b) of Part A of Schedule 2 of The Town and Country Planning (Use Classes) Order 1987, as amended, and, notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), shall not be used for any other use.

3 Reason: The application has been assessed as being acceptable and complying with development plan policy on the basis of the current proposed uses. Alternative uses, even those within Class E of Schedule 2, would need to be assessed as they may have impacts not considered as part of this application, including on neighbouring premises, highway safety and parking provision.

4 The materials to be used in the construction of the external surfaces of the development shall be either:
a. As detailed on the application form ; or,
b. Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.

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

4 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.

5 Low frequency noise from the extract system shall not exceed the criteria in any single 1/3 octave-band between 10 Hz and 160 Hz as outlined in Guidance Note NANR 45: 'Proposed criteria for the assessment of low frequency noise disturbance' in Bedroom 1.

5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

6 The use hereby permitted shall take place only between the hours of 12:00-23:00 each day Monday to Sunday, Bank Holidays and Public Holidays.

- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 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.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 No above ground construction shall take place until a scheme for sound insulation of the building has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation or commencement of use of the building(s), and thereafter retained in perpetuity.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 No external plant or machinery shall be brought onto the site other than that expressly authorised by this permission.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 In accordance with the Design Specification and Acoustic Consultants Report the maintenance and cleaning procedures shall be adhered to in perpetuity.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 Prior to first occupation of the flat, details of a suitable refuse storage area shall be submitted to the LPA and approved in writing, and thereafter provided and retained in perpetuity.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 The three bedroom first floor flat hereby approved shall be occupied by a person working full time in the ground floor commercial premises below at No.65 High Street, Sutton.
- 12 Reason: The application has been assessed as acceptable on this basis.
- 13 The garages to the rear of the site shall only be used for parking and remain clear from obstruction at all times.
- 13 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to 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.
- 14 Reason: To protect species and sites of nature conservation, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

- 15 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.
- 15 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

Planning Performance – September 2021

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

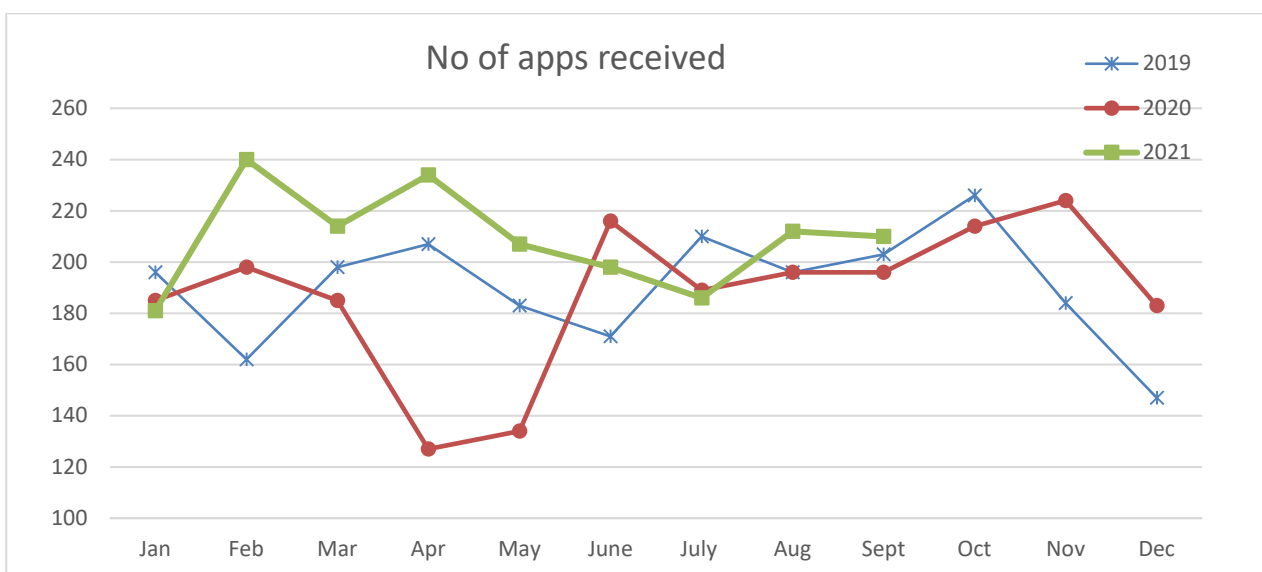
All figures include all types of planning applications.

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Validation	199	4	29	67	21	36	42
Validated within 5 days (%)	93%	(ECDC target of 75%)					
Determinations	169	0	38	51	13	25	42
Determined on time (%)		100% (90% within 13 weeks)	95% (80% within 8 weeks)	100% (90% within 8 weeks)	85% (90% within 8 weeks)	76% (80% within 8 weeks)	100% (100% within 8 weeks)
Approved	150	0	29	46	9	25	41
Refused	19	0	9	5	4	0	1

Open Cases by Team (as at 20/09/2021)							
Team 1 (3.8 FTE)	190	15	63	18	36	58	0
Team 2 (4 FTE)	163	16	35	49	22	41	0
Team 3 (4 FTE)	167	9	33	41	33	51	0
No Team (3 FTE)	75	8	4	0	3	11	49

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

The Planning department received a total of 210 applications during September which is a 7% increase of number received during September 2020 (196) and 1% decrease to the number received during August 2021 (212).



Valid Appeals received – 5

Planning reference	Site Address	Decision Level
19/00717/OUM	Broad Piece Soham	Committee
21/00671/FUL	Chalk Farm Newmarket Road Bottisham	Delegated
21/00689/FUL	Otterbush Farm The Hythe Little Downham	Delegated
21/00921/FUL	8A Perry Close Haddenham Ely	Delegated
21/00977/FUL	6 Isinglass Close Newmarket	Delegated

Appeals decided – 1

Planning reference	Site address	Decision Level	Appeal outcome
19/01469/OUM	Site East of Heath Road Swaffham Bulbeck	Delegated	Dismissed

Upcoming Hearing dates – 2

Planning reference	Site address	Decision Level	Hearing date
20/00641/FUL	Hurst Farm West Fen Road Ely	Delegated	09/11/2021
19/00717/OUM	Broad Piece Soham	Committee	11/01/2022

Enforcement

New Complaints registered – 13 (0 Proactive)

Cases closed – 31 (2 Proactive)

Open cases/officer (2.5FTE) – 188 cases (8 Proactive)/2.5 = 75.2 per FTE

Notices served – 0

Comparison of Enforcement complaints received during September

Code	Description	2020	2021
ADVERT	Reports of unauthorised adverts	0	0
COND	Reports of breaches of planning conditions	3	4
CONSRV	Reports of unauthorised works in a Conservation Area	0	0
DEM	Reports of unauthorised demolition in a Conservation Area	0	0
HEDGE	High Hedge complaints dealt with under the Anti-Social Behaviour Act	0	0
LISTED	Reports of unauthorised works to a Listed Building	0	0
OP	Reports of operational development, such as building or engineering works	11	5
OTHER	Reports of activities that may not constitute development, such as the siting of a mobile home	0	0
PLAN	Reports that a development is not being built in accordance with approved plans	1	1
PRO	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	0	0
UNTIDY	Reports of untidy land or buildings harming the visual amenity	0	0
USE	Reports of the change of use of land or buildings	3	3
TOTAL		18	13