

23/00830/FUL

Pump House

Factory Road

Burwell

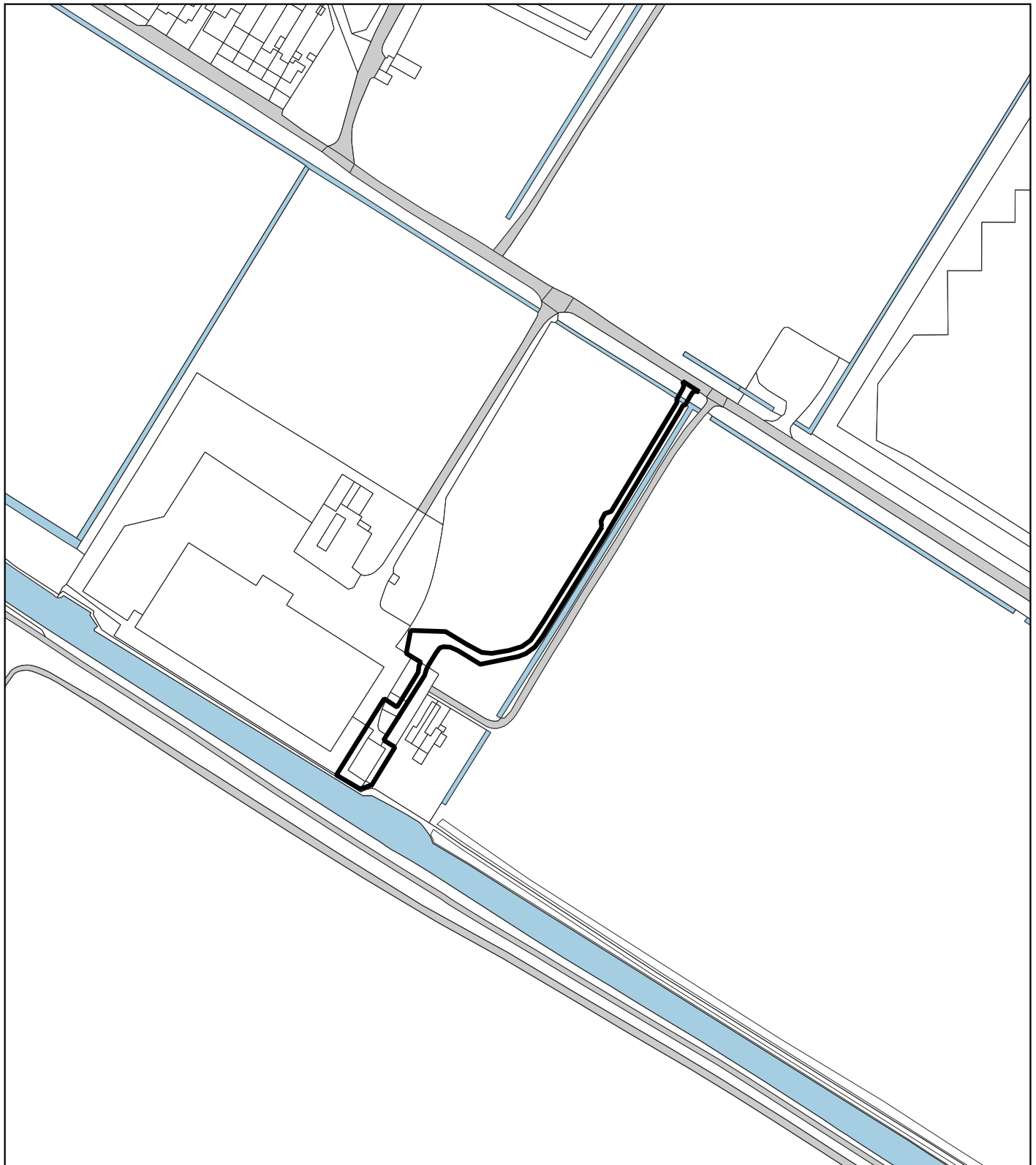
CB25 0BW

Change of use of land to garden land and construction of cart lodge

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=RICY18GGM6Z00>





23/00830/FUL

Pump House
Factory Road
Burwell



East Cambridgeshire
District Council

Date: 13/10/2023
Scale: 1:2,500



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TITLE: 23/00830/FUL

Committee: Planning Committee

Date: 1 November 2023

Author: Planning Officer

Report No: Y77

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Site Address: Pump House Factory Road Burwell Cambridge CB25 0BW

Proposal: Change of use of land to garden land and construction of cart lodge

Applicant: Mr & Mrs Mead

Parish: Burwell

Ward: Burwell

Ward Councillor/s: David Brown
Lavinia Edwards

Date Received: 31 July 2023

Expiry Date: 25 September 2023

1.0 RECOMMENDATION

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

- 1 Approved Plans
- 2 Time Limit
- 3 Materials
- 4 Flood Risk Assessment

2.0 SUMMARY OF APPLICATION

2.1 The application seeks consent to change the use of land to garden land and the construction of a cart lodge. The cart lodge was previously approved under

application 20/01491/FUL and measures a maximum length of 10.7m (35.1ft) by 6.2m (20.3ft) width with an eaves height of 2.2m (7.2ft) and a ridge height of 6.3m (20.6ft). The area of land proposed as a change of use to garden land is approximately 142m² (0.0142 Hectare).

- 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/>.

3.0 PLANNING HISTORY

3.1 20/00693/LRN

Conversion of existing pump house into residential dwelling to include garden, driveway and amenity space and new access roadway and associated works.

Approved

25 September 2020

20/01491/FUL

Proposed Change of Use /internal and external works to existing pump house, new cart lodge and new access road following recent planning application 20/00693/LRN

Approved

28 January 2021

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site consists of a two-storey detached dwelling. The site is situated outside the defined development envelope for Burwell and is located on the edge of the site for McGowan Rutherford. Adjacent to the east boundary are three residential terraced properties. The site is located within Flood zones 2 and 3.

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.

Parish - 30 August 2023

Burwell Parish Council has no objections to this application. Parish Council noted that the public footpath must be kept open at all times.

Ward Councillors

No Comments Received

ECDC Trees Team - 24 August 2023

Due to the extent of new tree planting on this site and the poor condition of the trees to be removed there are no tree related objections to this application.

Asset Information Definitive Map Team - 17 August 2023

Public Footpath 6, Burwell runs along the southern boundary of the site. To view the location of the ROW please view our interactive map online which can be found at <http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

Whilst the Definitive Map Team has no objection to this proposal, the footpath must remain open and unobstructed at all times.

Informatives

Should you be minded to grant planning permission we would be grateful that the following informatives are included:

- o Public Footpath 6, Burwell must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).
- o The Public footpath must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a public footpath without lawful authority)
- o No alteration to the footpath's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).
- o Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges, and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).
- o The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).
- o The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the footpath is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a footpath standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.

Furthermore, the applicant may be required to temporarily close public rights of way whilst construction work is ongoing. Temporary Traffic Regulation Orders (TTROs) are processed by the County Council's Street Works Team and further information regarding this can be found on the County Council's website at

<https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highway-licences-and-permits/>

Waste Strategy (ECDC)

No Comments Received

Local Highways Authority - 20 September 2023

Following a conversation with the applicant this morning, they were able to clarify that there is not a new access being proposed and the existing access and private

road will be used. Just to reiterate, I have no objection to the application, but it may be worth getting the plans and map tool updated to reflect this information.

Local Highways Authority - 19 September 2023

Based on the new information, I still do not object to the application in principle, however, the plans submitted as part of this application appear to display differing information when compared with google maps and the map tool on the planning portal. The drawing submitted as part of this application reference P-6400-01 indicated a proposed access onto little fen drove, with the closet existing access being approximately 3m to the east (see screenshot below).

In contrast to this, the map tool on the planning portal shows two existing accesses with a third access proposed as part of this application, see below, which seems to differ again from the email you attached from Anthony Smith. P-6400-01: Map tool: If a new access is proposed as above, it looks to be almost unfeasible to construct, due to the local constraints such as the drain and existing private road adjacent. If a more detailed review of the proposed access is required, I will need more detailed drawings including information regarding proposed surfacing, dimensions, and clarification on the above queries. Please do let me know if I have misunderstood anything.

Local Highways Authority - 18 August 2023

Upon review of the information submitted, I have no objection to the proposed replacement dwelling and its access.

I note the proposed application includes changes to an existing access. There is currently an existing access very close to the proposed access. Please provide additional clarification as to whether a new access is being proposed, in very close proximity to the existing, or if the existing access is being replaced with the that shown on the location plan.

CCC Growth & Development

No Comments Received

Cambridge Ramblers Association

No Comments Received

Environment Agency - 5 October 2023

Thank you for your consultation dated 19 September 2023. We have reviewed the documents as submitted and have no objection to this proposal as long as you have considered the Flood Risk obligations which are your responsibility. Further Flood Risk information can be found in the relevant section below.

Flood Risk

Flood Risk Activity Permit (FRAP)

Under the terms of the Environmental Permitting Regulations (EPR), a permit may be required from the Environment Agency for any proposed works or structures in, under, over or within 8 metres from the top of the bank of the Burwell Lode, which is designated a 'main river'.

The EPR are a risk-based framework that enables us to focus regulatory effort towards activities with highest flood or environmental risk. Lower risk activities will be excluded or exempt, and only higher risk activities will require a permit. Your proposed works may fall under one or more of the below:

- Exclusion
- Exemption
- Standard Rules Permit
- Bespoke permit.

Information on how to apply for a permit and application forms can be found on our website at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Any application for a permit should be submitted to the following email address: PSO.EastAnglia@environment-agency.gov.uk

Anyone carrying out a flood risk activity without a permit where one is required, is breaking the law. We trust you find this information useful.

The Ely Group of Internal Drainage Board - 4 September 2023

The Board has no comment from a drainage point of view on this application.

- 5.2 A site notice was displayed near the site on 14 August 2023 and a press advert was published in the Cambridge Evening News on 17 August 2023.
- 5.3 Neighbours – Six, neighbouring properties were notified; One response was received in support of the application.

6.0 THE PLANNING POLICY CONTEXT

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted East Cambridgeshire Local Plan (2015).
- 6.2 East Cambridgeshire Local Plan 2015
- | | |
|----------|--|
| ENV 1 | Landscape and settlement character |
| ENV 2 | Design |
| ENV 4 | Energy and water efficiency and renewable energy in construction |
| ENV 7 | Biodiversity and geology |
| COM 8 | Parking provision |
| COM 7 | Transport impact |
| ENV 8 | Flood risk |
| GROWTH 2 | Locational strategy |
| GROWTH 5 | Presumption in favour of sustainable development |
- 6.3 Supplementary Planning Documents
Design Guide
Climate Change SPD

*Flood and Water
Natural Environment SPD*

- 6.4 National Planning Policy Framework 2021
 - 2 Achieving sustainable development
 - 4 Decision-making
 - 12 Achieving well-designed places
 - 14 Meeting the challenge of climate change, flooding, and coastal change
 - 15 Conserving and enhancing the natural environment
- 6.5 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are the impact it may have on the residential amenity of nearby occupiers and the impact it may have on the visual appearance and character of the wider area.

7.2 Principle of Development

7.3 Policy GROWTH 2 of the East Cambridgeshire Local Plan, 2015 states that outside defined development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the settings of towns and villages. Development will be restricted to the main categories listed in the policy and may be permitted as an exception, providing there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied.

7.4 The proposal site is located outside of the development envelope of Burwell by 1096m. The proposal seeks the change of use of agricultural land to garden land and the siting of a domestic structure, which is not an exception listed in Policy GROWTH 2. As it is not listed as an exception, the proposal is therefore contrary to GROWTH 2.

7.5 The dwelling and cart lodge were previously approved under application 20/01491/FUL in January 2021. Since starting works to the site, it was discovered that in the approved siting of the cart lodge, there are high voltage cables that run from the substation that is sited in front of the host dwelling to the McGowan Rutherford factory. The best solution, as set out within the planning statement, was to relocate the cart lodge further down the site to avoid disturbing the high voltage cables. As the design of the cart lodge has previously been approved, this application focuses on the change of use of the land to residential.

7.6 Whilst the proposed application represents a small encroachment into the countryside, there is no physical boundary between the residential curtilage and the area proposed to change use under this application. The planning statement and personal statement from the applicant indicated that until 2021, the site was previously used by the adjacent business, McGowan Rutherford, to store pallets and other machinery. Since 2021, the site has been cleared and works for the conversion to a residential dwelling has commenced at the Pump House.

- 7.7 There has recently been a similar application in Wentworth approved at Planning Committee (6th September 2023) under application 23/00656/FUL, for a retrospective change of use of paddock land to residential garden. The approved application was for a larger area of land, and which had been respectfully domesticated by the applicant and was considered not to cause harm to the countryside due to its naturally unbounded connection to the host dwelling.
- 7.8 The current application is considered to be similar to 23/00656/FUL in that the proposed area of land which would change use is adjacent to the dwelling's driveway and residential curtilage. There is no physical barrier between the application site and the residential curtilage, and the area of land which would be incorporated into the residential curtilage is small.
- 7.9 The applicant has formally agreed to enter an S106 agreement to ensure that the cart lodge would remain ancillary to the host dwelling at all times and could not be used as independent residential accommodation. The applicant also accepts that the cart lodge approved under application 20/01491/FUL would be revoked once the signing of the S106 is complete. The S106 would be concluded prior to issuing the decision notice for this application.
- 7.10 Visual Amenity**
- 7.11 Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements.
- 7.12 Policy ENV 2 states that development proposals ensure that the location, layout, massing, materials, and colour of buildings relate sympathetically to the surrounding area.
- 7.13 The proposal seeks the change of use of agricultural land to garden land and the repositioning of a previously approved cart lodge. The area to change use to residential would measure approximately 142m², which would be accessible by the previously approved access to the site as there is no boundary that divides this land. The applicant has advised that this area of land, under previous ownership, was used for pallet storage. This can be seen within aerial images in 2007 and 2010.
- 7.14 The applicant seeks to change the use of a small area of land to be suitable for the construction of the cart lodge. The design of the cart lodge was previously approved under a separate application 20/01491/FUL, and its design has therefore already been considered acceptable. Although the relocation of the cart lodge would be further away from the host dwelling than its currently approved position, it would not be considered that its relocation would cause harm to the visual amenity of the countryside as it would have limited visibility within the streetscene. The backdrop of the proposed siting of the cart lodge is the McGrowan Rutherford factory which has an industrial appearance within the wider setting. It would be considered that the repositioning of the cart lodge would not cause any harm to the character and appearance of the wider countryside.

7.15 Whilst the proposal does extend into the open countryside, it remains set back from the public highway by a significant distance and would be partly screened within the site by a planted tree area.

7.16 It is considered that the proposal would not result in a significant adverse impact to the character and appearance of the area nor result in significant harm to the countryside and is therefore considered to comply with Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 and the NPPF.

7.17 Residential Amenity

7.18 Policy ENV 2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.

7.19 The application site is located in between the McGrowan Rutherford Factory on the west and dwellings located to the east.

7.20 The application seeks to relocate a previously approved cart lodge further away from the host dwelling to the northwest of the site. The proposed site is located further away from the neighbouring dwellings and was supported by comments made by the neighbouring property. They stated that they support the relocation of the cart lodge as it would reduce the level of overlooking from the first-floor dormer windows. To the rear of the cart lodge would be the factory. Whilst there are openings on the front and rear elevation, these openings would not be considered to cause harm to residential amenity through overlooking or overbearing due to the rural and industrial location, and the separation distances between the site and the nearest neighbouring dwellings.

7.21 Whilst this addition to the residential garden would increase the overall residential curtilage to the dwelling, the use of the site by a single residential property is not considered to result in any significant impacts to residential amenity. The proposal is therefore considered to comply with Policy ENV 2 of the East Cambridgeshire Local Plan, 2015.

7.22 Highways

7.23 Policy COM 7 states that development should be designed to reduce the need to travel, particularly by car, and should promote sustainable forms of transport appropriate to its particular location. Opportunities should be maximised for increased permeability and connectivity to existing networks. Development proposals shall:

- a) Provide safe and convenient access to the highway network.
- b) Provide a comprehensive network of routes giving priority for walking and cycling.
- c) Protect existing rights of way or allow for agreed diversions in exceptional circumstances.
- d) Consider the travel and transport needs of people with disabilities.
- e) Accommodate the efficient delivery of goods, supplies and services.

- 7.24 Policy COM 8 states development proposals should provide adequate levels of car and cycle parking and make provision for parking broadly in accordance with the Council's parking standards (including parking for people with impaired mobility).
- 7.25 The proposed extension to the red line of the dwelling for the change of use, to a small area of land to residential use would not be considered to alter the previously approved access to the site and would extend off the northwest corner of the existing driveway. The Local Highways Officer was consulted on this application and has concluded that there would be no material changes that would cause harm to the public highway. Therefore, the application would not be considered to cause harm to highway safety and would comply with Policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.
- 7.26 Ecology**
- 7.27 Policy ENV 7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland, and ponds. Policy ENV 1 states that development proposals should protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls and their function as ecological corridors for wildlife dispersal. Policy ENV 2 states that all development proposals will be expected to make efficient use of land while respecting the density, urban and village character, public spaces, landscape, and biodiversity of the surrounding area.
- 7.28 The Council has adopted the Natural Environment SPD which states that all developments must result in biodiversity net gain.
- 7.29 To allow for the change of use to garden land and for the siting of the proposed cart lodge, the applicant would need to remove several trees from the site, however, these trees are damaged and in poor condition and would need to be removed even if this application was not present.
- 7.30 The Trees Officer was consulted as part of this application following the submission of an Arboricultural Impact Assessment report. The Trees Officer concludes that due to the extent of new tree planting on this site and the poor condition of the trees to be removed, it would be considered that their removal would not be to the detriment of the environment and that the applicant has provided sufficient mitigation measures for the lost trees.
- 7.31 The proposal is considered not to result in any significant adverse impacts and is therefore considered to comply with Policy ENV 7 of the East Cambridgeshire Local Plan, 2015.

7.32 Flood Risk and Drainage

7.33 Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. A site-specific Flood Risk Assessment, endorsed by the Environment Agency, appropriate to the scale and nature of the development and the risks involved, and which takes account of future climate change, is required for major and non-minor development proposals in Flood Zones 2 and 3 and 'Modelled Zone 3.

7.34 The application site is located within flood zone 2 and 3. The applicant has provided a Flood Risk Assessment (FRA), which has been assessed by the Environment Agency. They have concluded that this proposal would not be considered to cause harm in terms of increasing flood risk. The mitigation measures set out within the conclusion of the submitted FRA would be conditioned to ensure that the risk of flooding is reduced. This part of the proposal would, therefore, be considered to comply with ENV 8 of the East Cambridgeshire Local Plan 2015.

7.35 Climate Change

7.36 Local Plan Policy ENV4 states: '*All proposals for new development should aim for reduced or zero carbon development in accordance with the zero-carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable*' and '*Applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction.*' The adopted Climate Change SPD encourages all development to include sustainability measures within their proposal. No measures have been put forward as part of the application, however, due to the nature of the development proposed, it is considered that the inclusion of sustainability measures reasonably related to the development would be difficult and in this instance it is considered acceptable not to provide any such measures.

7.37 Planning Balance

7.38 Whilst the proposed development does not accord with policy GROWTH 2 as it does not fall within one of the exemptions for development in the countryside, it would not cause any harm to the character of the countryside which is a key aim of policy GROWTH 2.

7.39 The proposal is considered to be acceptable in all other aspects including impacts of the proposal upon the character and appearance of the surrounding area, impacts to the amenity of neighbouring occupiers and highway safety. The proposal complies with all other relevant Local Plan policies. It is therefore considered that no demonstrable harm would arise from the proposed development. The application is therefore recommended for approval.

7.40 COSTS

7.41 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 costs award can be made against the Council.

- 7.42 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 7.43 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.

8.0 APPENDICES

8.1 Appendix 1: Recommended Conditions

Background Documents

23/00830/FUL

20/00693/LRN

20/01491/FUL

23/00656/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>

Appendix 1 – Recommended Conditions

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

<u>Plan Reference</u>	<u>Version No</u>	<u>Date Received</u>
P-6400-02		25 July 2023
P-6400-01		27 July 2023
CARTLODGE MASSING		25 July 2023
Flood risk assessment		19 September 2023
AIA report		23 August 2023

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 materials to be used in the construction of the external surfaces of the development shall be either:

- a) As detailed on the application form and approved documents; 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.

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

4 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) submitted 19th September 2023; and the following mitigation measure detailed within the FRA:
- Floor levels shall be set no lower than existing levels of the host dwelling.

4 Reason: To reduce the impacts of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015