
MAIN CASE

Reference No: 17/01128/FUM

Proposal: New arboretum and visitor facilities

Site Address: Barcham Trees Plc Eye Hill Drove Soham CB7 5XF

Applicant: Barcham Trees PLC

Case Officer: Julie Barrow, Senior Planning Officer

Parish: Soham

Ward: Soham North

Ward Councillor/s: Councillor Mark Goldsack
Councillor Carol Sennitt

Date Received: 26 June 2017

Expiry Date: 10 January 2018

[S203]

1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the application subject to the recommended conditions below with approval delegated to the Planning Manager to agree the conditions with the applicant. The draft conditions can be read in full on the attached appendix 1.

- 1 Approved plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Arboretum hard landscaping
- 4 Arboretum features
- 5 Arboretum soft landscaping
- 6 Archaeological Investigation
- 7 Surface water drainage
- 8 Biodiversity improvements
- 9 Boundary treatments
- 10 Visitor Centre materials
- 11 CEMP
- 12 Construction times
- 13 Visitor Centre external plant etc.
- 14 Visitor Centre external lighting
- 15 Car park/access road landscaping
- 16 Hours of use - general
- 17 Hours of use - conferences
- 18 Fire hydrants
- 19 Highway improvement works

- 20 Eye Hill Drove planting
- 21 Signage within site
- 22 Laying out of parking area
- 23 Servicing and deliveries
- 24 New access off Eye Hill Drove
- 25 Closure of existing access (1)
- 26 Closure of existing access (2)
- 27 BREEAM

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks consent for the development of an arboretum, including a lake and activity areas, together with the visitor centre comprising internal and external retail spaces, a cafe/restaurant, an entrance area and first floor conference facilities on the existing Barcham Trees site. The application site extends to approximately 6.9 hectares.
- 2.2 The proposed visitor centre will be located in the north-east corner of the site. It has a maximum height of 10 metres, maximum eaves of 6 metres, width across the front elevation of 69.8 metres, and depth of 79.6 metres.
- 2.3 The application is accompanied by the following documents:
 - Planning Statement
 - Design and Access Statement
 - Transport Assessment
 - Phase 1 Habitat Survey
 - Landscape Visual Assessment
 - Flood Risk and Drainage Strategy
- 2.4 The proposal includes extensive highway improvement works to Eye Hill Drove and the junctions of Eye Hill Drove and Barway Road with the A142.
- 2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.6 The application has been called into Planning Committee by Cllr Mark Goldsack *"because of the size of the application, the effect on the local area, and the highways issues pertaining to the application. Because of these and other aspects I think it would be best for the application to go before full planning committee for final decision."*
- 2.7 Prior to the submission of the application the applicant requested a Screening Opinion from the LPA. The Screening Opinion was carried out in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (in force at the time) and it was considered that the

significance of the environmental effects anticipated did not require an Environmental Statement to be submitted.

3.0 PLANNING HISTORY

3.1

98/00442/AGN	Erection of steel framed lean-to	Approved	29.06.1998
99/00430/FUL	Erection of portal framed agricultural building for tree storage	Approved	24.06.1999
02/01125/ADN	Business sign - advertising and whereabouts	Approved	16.01.2003
05/01348/ADN	Consent to display advert.	Approved	06.02.2006
10/00326/FUL	Proposed Agricultural building to be used for a preparation shed for loading and despatching of large trees	Approved	08.06.2010
89/01444/FUL	PROPOSED OFFICES WITHIN EXISTING BUILDING (203 SQ METRES)	Approved	13.02.1990

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located outside of the established development frameworks for both Ely (c.2.4 miles to the north-west) and Soham (1.3 miles to the south-east). The site is currently used as part of the wider container nursery business. The A142 runs along the western boundary of the site and Eye Hill Drove to the south which is a narrow single country track. There are a number of residential properties which front onto Eye Hill Drove itself.

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.

Soham Town Council (27th July 2017) – Council agreed wonderful proposal and it will provide employment for the town. Noted concerns raised regarding access from A142.

Soham Town Council (26th October 2017) – Soham Town Council's Planning Committee members unanimously agreed that the proposed scheme would assist not only in promoting the town as a tourist/visitor destination but also act to

stimulate the local economy and importantly local employment opportunities which currently are sadly lacking in the town.

Soham Town Council Planning Committee therefore reiterated its full support for this application to be approved.

Soham Town Council (30th November 2017) – Soham Town Council welcome the new arboretum and improvement to the A142 junction but have concerns regarding the use of Eye Hill Road as access. This is a single track road unsuitable for the volume of traffic proposed.

Ward Councillors – See ‘call-in’ at 2.4 above.

Consultee For Other Wards In Parish - No comments received.

Local Highway Authority (25th June 2017) – *“The highway authority requests a holding objection for the following reason:*

- 1. New junction layout (A142 with Eye Hill Drove and Barway Road) – the LHA is unable to determine this aspect of this application at this time as any new road layout and proposed alterations to junctions on priority distribution routes must have a Road Safety Audit completed prior to determination.”*

Transport Assessment Team (20th August 2017) – The following comments were made of the transport statement dated June 2017, for a proposed arboretum and visitor’s facilities.

“Cycling – It is noted that 10 covered and secure cycle parking spaces and being provided as part of the development.

Accident Statistics Review – The use of crash maps is not normally acceptable as it doesn’t always contain the latest data, but as the proposed development is proposing to deal with the accident issue on the A142 it is acceptable.

Trip Generation – The use of garden centre in TRICS is acceptable, but the trip rates in the table under 4.6.5 do not match the TRICS results shown in appendix E. This needs to be clarified.

Traffic Flows – Surveys were undertaken from 13/04/2016 to 19/04/2017, these dates are acceptable.

Future Year Assessment – A future year assessment of 2022 is acceptable. It is noted that no committed development has been included within the assessment, committed development needs to be included.

Growth Rates – The use of Temprow and the proposed growth rates are acceptable for use.

PICADY Assessment – All the way through the Transport Assessment and appendix F is even called ARCADY output. But the assessment which has been undertaken is a PICADY assessment and this is the correct form of assessment.

This needs to be altered. Due to the issues with trip rates and committed development the PICADY assessment is not acceptable for use.

Conclusion – The only junction which has been assessed by the TA is the proposed right turn lane on the A142, the development traffic also needs to be assessed on the A142 roundabout with The Shade in the weekend peak. It is also noted that no committed development has been included with the current PICADY assessment, attached is a listed of committed developments which need to be included.

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

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

Transport Assessment Team (16th November 2017) – *“The original concern of the TA team was to do with the conferencing facility, not the garden centre. A garden centre peak is not the same as the network peak. Having discussed the issue with the planning agent it was suggested a condition could be applied to limit the times the conferencing facility could be used, so that it would not impact on the network peak.*

Therefore the Transport Assessment Team do not object to the proposal subject to the following:

- 1. The conferencing facility hours shall be limited to 10am to 3.30pm
Reason: In the interests of highway safety and to ensure the development operation times fall outside of peak hours in order to prevent the over-capacity and traffic accumulation of the surrounding junctions.”*

Local Highways Authority (27th November 2017) – *“After a review of the amended drawings the Highways Development Management team has no further objections to the principal of this application.*

Amended drawing references – G03162 15 001, G03162 15 002 Rev A, G03162 15 003 Rev E, G03162 15 004 Rev C, G03162 15 005 Rev D

The proposed junction improvements have undergone a Road Safety Audit Stage 1 (RSA) which was completed by the Cambridgeshire County Council Road Safety Audit Team (CCC RSA). The amended plans incorporate the comments and recommendations made by the CCC RSA team during this process. The RSA included but was not limited to: the junction geometry at Eye Hill Drove and Barway Road, kerb radii, carriageway widths, junction widths, footways, bus stops, pedestrian crossing points, road markings, signage, inter-vehicle visibility splays etc. The findings of this audit were that the proposed improvement in this area are adequate and meet with the required design standards. As such the highways authority has no objection to the implantation of these works to facilitate this development subject to detailed design with the highway authority.

The length of the ghost right lane proposed at Eye Hill Drove has been shown to be in line with the Transport Assessment (TA) and the estimated number of vehicles

using this junction. It is proposed that the operating hours of the conferencing facility will be outside of the peak hours which is for the purpose of reducing the impact on the traffic flow on the A142, this being a priority distribution route. These restrictions would be welcomed by the highways authority and we would request that this measure is conditioned and held in perpetuity to ensure that the impact on the A142 is kept to a minimum.

Improvements have also been proposed for Eye Hill Drove which include a new footway and carriageway widening to the entrance of the development. These measures mitigate the impact on this section of the highway as they will allow two vehicles to pass unobstructed and provide an adequate route for pedestrians. There is a pinch point prior to the entrance of the development proposed. The highway extent in this area is limited and the applicant does not control enough land to widen this section of carriageway. This pinch point is located far enough away from the A142 junction that it should not have a significant detrimental effect on highways safety. This coupled with the estimated numbers of vehicles and the visibility at the junction of the development on balance I believe that this acceptable but this feature will need to be formalised with signage and road markings during the detailed design phase with the highway authority.

A public comment has been brought to my attention about a previous statement I made in an unrelated planning application for Eye Hill Drove. This statement was that this road was not suitable for any further development without improvements to the highway infrastructure. I can confirm that the proposed highways works to facilitate this application are adequate and do provide the necessary infrastructure that would be required for such a development.

It is worth noting that it was concluded at the highways pre-application stage that no new access on to the A142 within the vicinity of shown planning boundary should be permitted for this development. This is because of: the negative impact on the free flow of traffic A142 which is a priority distribution route, the close proximity of the Barway Road junction, a known accident cluster on this section of road and junction, the road geometry and limited extent of the adopted highways on the A142, the existing junction with Eye Hill Drove which is suitable for the required improvements in line with the increased estimated number of trips and with the impacts highlighted within Transport Assessment. It has been suggest by members of the public that a roundabout could be constructed on the A142 instead. This should not be permitted for the aforementioned reasons but furthermore the number of trips generated to and from this site would not warrant or justify such a feature. The impact to the free flow of traffic on the A142 should this be constructed would be significant and the cost of such a feature would not be proportional to the size of the development and in addition this would require some land acquisition to accommodate a feature of this size. Roundabouts, like any junction, are not intrinsically safe; introduction of a more complex junction is likely to engender a number of accidents.

Recommended Conditions

Prior to the first use the development the improvement works to the junction of Eye Hill Drove, as per the approved drawings will be completed to CCC specifications and requirements.

Prior to the first use the development the improvement works to the A142 junction with Eye Hill Drove and the A142 junction with Barway Road, as per the approved drawings will be completed to CCC specifications and requirements.”

Lead Local Flood Authority – No objection in principle to the application.

The applicant has demonstrated that surface water can be dealt with on site by using permeable paving and an attenuation basin, restricting surface water discharge to 1.1 l/s/ha based on the developable area.

The submitted Flood Risk Assessment and Surface Water Drainage/SuDS Strategy (1698/RE/10-16/01 Rev A, dated June 2017) is very comprehensive and detailed. It is encouraging to see that the applicant has based the drainage proposal on best practice, guidance documents.

The LLFA is supportive of the use of permeable paving and attenuation basin as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a watercourse.

Conditions relating to the submission of a detailed surface water drainage scheme and maintenance arrangements are requested.

Environment Agency – The application does not fall within the scope of the Environment Agency and comments will not be made.

Middle Fen & Mere Internal Drainage Board (17th July 2017) – It is proposed that surface water will be discharged in the Board's Crooked Drain. This shall be at Greenfield run off rate of 1.11/s/ha. Any new discharge would require consent of the Board as would any works within 9 metres (including planting) of the watercourse.

Middle Fen & Mere Internal Drainage Board (22nd November 2017) – The Board has met with the applicant regarding the infilling of the ditches. The Board has agreed in principle to this, subject to the applicant

Historic Environment Team – Records indicate that the site lies on high archaeological potential and that a written scheme of investigation should be secured via planning condition.

Natural England (24th July 2017) – As currently submitted the application could have potential adverse effect on Delph Bridge Drain SSSI. The Extended Phase 1 Habitat Survey report identifies that with a pollution prevention strategy in place, following best practice guidance, it is considered highly unlikely that development will have an adverse effect on the SSSI.

Natural England (3rd November 2017) – Thank you for the provision of additional detail regarding the hydrological affects of the proposed development. The advice of Natural England's designated site officer has been sought and it is believed that the information provided is sufficient to demonstrate that the proposed surface

water drainage strategy poses a very low risk to Delph Bridge Drain SSSI through the effects of flooding/changes in water quality. Natural England are therefore satisfied that the proposed development is unlikely to have any significant adverse effect to the SSSI and there is no objection to the proposed development.

Natural England welcomes the applicant's agreement to incorporate fen ragwort habitat creation into the proposed scheme.

British Horse Society –

- Does not object to the proposal in principle but objects to use of Eye Hill Drove as the main entrance
- Eye Hill Drove and Barcham Road are quiet, narrow, tree lined land which currently are only used by the residents including two livery yards.
- No consideration to fact that over 30 horses are liveried on these lanes – regularly use to exercise horses and access livery/private yards.
- In addition to other non-motorised users that use the roads.
- A142 almost impassable safely by horses.
- Use by non-motorised users should be taken into account in the TA.
- The livery yards are commercial enterprises and the commercial benefit of safe equestrian access should not be ignored.
- Concern that Eye Hill Drove/ Barcham Road could become a 'rat run'.
- Any proposals to restrict safe access for horse riders would be contrary to the recent statement by the Local Government Association regarding the benefit of outdoor exercise which lends support to riding horses in the countryside.
- The correct access would be a properly designed access directly off the A142 to include improvement to the junction with Barway Road.
- Urge the Council to include safe non-motorised user access and crossings. Would then be in line with Cambridgeshire RoWIP, which acknowledges that bridleway network is inadequate and fragmented.
- Neighbour letters received in support are not in the neighbourhood but are business associates of the applicant.

Design Out Crime Officer – Consider the design and layout to be acceptable and supports the application.

East Cambridgeshire Access Group – Accessible parking 6% required, pathways around the arboretum should be level, firm and slip resistant. Welcome the improvements to the access road. If the developer complies with building regulations and British Standard requirements they welcome the new facility.

Environmental Health (Technical Officer) – When responding to the screening request regarding this site EH raised concerns regarding noise and odour. Now the full application has been submitted and the layout has been identified this has alleviated these concerns to some degree.

It is noted from the Design and Access Statement and Planning Statement that the vehicle and delivery access is not along the boundary of the adjoining residential property, and has been moved away from the property opposite. These documents also clarify that Barcham Trees already use heavy plant and machinery on site.

Within the documents submitted there does not appear to be reference to any noise or odour information and therefore we require further details to enable EH to ensure any adverse impact will be limited.

From the information submitted I do not currently consider there is a need for a full noise or odour impact assessment but I would request the following information to enable us to assess potential impact:

- Confirmation of the location of any external plant,
- Specification of the external plant would be helpful – this does not have to be the exact model but an idea of the noise levels that will be emitted so EH can determine if it's necessary for possible noise limits/requirements for details to be agreed/mitigation requirements etc.
- Proposed times of use for external plant (eg just opening times or 24/7),
- Proposed kitchen extraction equipment, (inc locations, any filtration and times of use as above)
- Location, specification and times of use for external lighting.
- Confirmation of the boundary treatment between the car park and adjoining camp site (our records indicate a camp site to the south of the car park)

It is recommended that the times of use are limited to those proposed within section 20 of the application form (09:00 – 18:00 each day Monday – Saturday & 10:30 – 16:30 on Sundays, Public and Bank Holidays). This will minimise the impact from visiting vehicles.

Following the submission of additional information 28th July 2017 Environmental Health confirmed they were happy for plant/machinery and lighting to be secured by way of planning condition.

Environmental Health (Commercial Team) – The layout, design and construction of the restaurant and food retail areas must comply with relevant food and health and safety legislative requirements.

Conservation Officer – This application is a major application that has the potential to impact the wider setting of a number of designated heritage assets within the settlements of Soham, Barcham, Stuntney and Ely.

The Design and Access Statement and the landscape assessment have attempted to consider the closest heritage assets to the site. However, the information provided is very limited in its assessment of the heritage assets and whilst a number of listed buildings have been identified, no assessment of archaeological potential has been provided.

The principle of the development is likely to be acceptable from a heritage viewpoint, however, the applicant needs to show they have assessed the potential impact on the heritage assets. The landscape assessment contains one sentence that states *“Visual impact – Heritage sites: No views are anticipated from the identified sites of heritage value in the locality. The assessed level of impact for these sites is therefore **neutral**”*.

The information contained within the report does not show how the applicant has arrived at this conclusion and the use of the word 'anticipated' suggests that no actual site visits have been undertaken to demonstrate this assumption.

Further work on the landscape assessment is required prior to consent being granted.

Trees Officer (24th August 2017) -The proposal is for an arboretum and visitor facilities at an established tree nursery. The site is within a wider fenland landscape of highly industrial agricultural industry.

This proposal has full support. The plans are well considered in relation to the current site use and the wider landscape.

Tree Officer (30th November 2017) – *“Thank you for sending me the arboricultural report (including the impact assessment).*

The report indicates the loss of roadside trees and hedgerows to allow for the proposed highway improvement scheme, including T12 Oak, T13 & T14 Ash trees, with T12 Oak and T14 Ash classified as category B1 and T13 Ash as category C1.

I support the proposal for the new arboretum and centre on the Barcham Nursery site. However I wish to see these important roadside trees retained, if a highway improvement scheme can be achieved to allow this. I will therefore be interested to see the comments from the County Highways Officer on the highway improvement scheme. I understand this planning application is going to Planning Committee for consideration in early 2018, so it is also important to see how the Planning Committee weigh up the benefits of the new arboretum and centre against loss of trees/hedgerows for the road improvement scheme, essential to meet highway requirements for the new centre.

Although the mature trees on Eye Hill Road verges, between the A142 junction and the existing entrance into Barcham Nursery site, are worthy of TPO status, I have refrained from serving TPO's as the trees are not under threat of removal prior to the determination of this planning application. It is therefore expedient to wait until the current application considerations are completed and the final decision on the application is made. If the application is approved, there would be no benefit, as planning permission will override the TPO status of any TPO trees required to be removed for the approved development.”

ECDC Waste Strategy – ECDC do not collect trade waste and therefore any waste produced as a part of the business must be collected by a registered waste carrier.

Concerns have been raised that if the volume of traffic along Eye Hill Drove increased it may cause an issue for waste collections due to passing problems with coaches, etc. unless the road was made significantly wider along the entire length.

Tourism and Town Centres Manager – Believe that the provision of the proposed new facility at Barcham Trees will be a welcome addition to the area. A facility of

this kind is not currently catered for within the district and therefore it will be a boost to the local visitor economy. It is ideally situated between two large settlements but will clearly draw its audience from further afield as well. This tourism related attraction will provide a combination of leisure, entertainment, physical activity, education, catering and shopping amenities thus targeting a wide audience profile including the group market. A facility of this kind can only be beneficial to the local and tourist economy and increase footfall and dwell time to this particular part of the district.

CCC Growth & Development – No comments received.

Economic Development - No comments received.

Cambs Wildlife Trust - No comments received.

Anglian Water Services Ltd - No comments received.

Cambridgeshire Fire and Rescue Service – Should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants.

5.2 **Neighbours** – Eight nearby properties were notified, a site notice posted and advert placed in the Cambridge Evening News and the responses received are summarised below. A full copy of the responses are available on the Council's website.

Comments in support

- Jobs for local people, both full and part time, skilled and unskilled.
- Would encourage more people to plant trees in the local environment.
- Encourage tourism in the area.
- Education opportunities.

Comments in objection

- Impact on the character of the area and appearance of the locality.
- Eye Hill Drove is a quiet single track country lane would be changed.
- Leisure users of Eye Hill Drove would no longer be able to use the road.
- Strongly disagree with statements in the Landscape and Visual Appraisal particularly point 4.10. The development would result in significant and adverse changes to the nature and volume of traffic.
- The 'trip generation and impact assessment' states it is difficult to quantify the likely number of trips generated by the new development. Based purely on garden centre and does not accurately reflect the proposed conference centre which is a different business/market.
- Barcham Trees have an existing access to the A142 and should use this to reduce the impact on Eye Hill Drove.
- Road safety concerns on the junction between A142 and Eye Hill Drove, including fatal collisions in recent years.
- Especially difficult for traffic turning right out of Eye Hill Drove onto the A142.
- New layout on the A142/Eye Hill Drove junction will lead to further issues
- A roundabout should be constructed on the A142.

- Recent comments from the Local Highways Authority in relation to planning application 17/01089/OUT on Eye Hill Drove raised concerns with highway safety of all highways users and the junction with the A142 being an accident cluster site.
- Transport Statement does not mention the Ely Bypass and increase in traffic especially HGV's.
- Eye Hill Drove is not wide enough to for two vehicles to pass close to the proposed access to the site which will cause congestion.
- No provision for pedestrians along Eye Hill Drove and no street lighting.
- Removal of trees and hedgerows along Eye Hill Drove for road widening will significantly change character of the road.
- Pruning of trees within ownership of neighbouring land which currently protect these neighbours privacy.
- Ecology impacted by the development.
- Already disturbed by working practices of Barcham Trees. Increase in opening hours will impact neighbouring occupiers in terms of noise and light disturbances.
- Relocating entrance to the site would significantly reduce the impacts.
- Already having issues with privacy from current access to Barcham Trees. Road widening will allow vehicles much closer to neighbour dwellings.
- Air pollution.
- Mud on the road.
- Speed limit must be reduced to 30mph on Eye Hill Drove.
- Scheme required to stop build up of mud on the road.
- Application site is outside of the established development envelope.
- Do not feel the additional business practices are 'essential'.
- Noise concerns from construction.
- Light pollution
- Transport Assessment is incorrect as Eye Hill Drove serves six residential dwellings not three as stated. Congestion will prevent residents going about their normal daily business.
- Some vehicle users may use Barcham Road as a 'rat run' which is equally ill equipped for traffic.
- Risk to horse riders and cyclists using Eye Hill Drove.
- Proposed is not in scale with the location.
- Dispute the extent of changes being 'medium-low' in the Landscape Assessment. Grass verges contribute to Drove appearance.
- Mature trees would require removal as part of the proposed scheme particularly on the access.
- Inconsistent documentation submitted by the applicant. Advising the scheme would not be visible from the public highway in the Planning Statement, but the Landscape Assessment stating it would be highly visible to begin with. One document refers to 'cathedral vista views' while another states there are no views.
- Site will appear radically difficult to passing motorists.
- Design of the junction with A142 inappropriate in this location.
- Poor visibility splays.
- Proposed pedestrian refuge to Eye Hill Drove is not a safe mean of crossing the road.

- The proposal does not encourage sustainable forms of transport.
- Drove subject to regular surface water flooding.
- Applicant proposing the development as a tourist facility is shoehorning the proposal to influence planners.
- Crash barrier required along Eye Hill Drove to protect residential dwellings.
- Eye Hill Drove and Barcham Road currently being used by people racing cars which is causing danger.
- Large increase in employment impacting Eye Hill Drove and Barcham Road.
- Change of character for a rural hamlet.
- No pedestrian footpath from the site entrance to the arboretum and visitor centre.
- Restrictions should be placed on opening hours.
- Landownership concerns for the road widening.
- Concerns with death being caused on the junction of Eye Hill Drove and the A142.
- The Road Safety Foundation have considered the A142 to be a 'medium-risk road' between 2013-2015 and a 'medium to high risk road' between 2010-2012.
- Demands of the A142 will increase with the commitment in the new Local Plan for 11,500 homes in the area.
- Variable road width as part of the proposed road widening along Eye Hill Drove would cause confusion for drivers.
- Pedestrians being expected to cross a 6.5 metre wide highway with no central refuge.
- No clear right of way on the pinch point on Eye Hill Drove.
- Issues for HGVs manoeuvring when exiting Eye Hill Drove.
- Eye Hill Drove is a public right of way and valued by local people.
- List of traffic that will have to navigate the 'pinch point' submitted

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
EMP 2	Extensions to existing businesses in the countryside
EMP 1	Retention of existing employment sites and allocations
EMP 7	Tourist facilities and visitor attractions
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 12	Listed Buildings
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

6.2 Supplementary Planning Documents

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

6.3 National Planning Policy Framework 2012

- 1 Building a strong, competitive economy
- 11 Conserving and enhancing the natural environment
- 12 Conserving and enhancing the historic environment
- 2 Ensuring the vitality of town centres
- 3 Supporting a prosperous rural economy
- 4 Promoting sustainable transport
- 7 Requiring good design

6.4 Proposed Submission Local Plan 2017

- LP1 A presumption in favour of sustainable development
- LP2 Level and distribution of growth
- LP3 The settlement hierarchy and the countryside
- LP8 Delivering prosperity and jobs
- LP11 Tour facilities and visitor attractions
- LP14 Retail and other main town centre uses
- LP16 Infrastructure to support growth
- LP18 Improving cycle provision
- LP20 Delivering green infrastructure, trees and woodland
- LP22 Achieving Design Excellence
- LP23 Water efficiency
- LP25 Managing water resource and flood risk
- LP26 Pollution and land contamination
- LP27 Conserving and enhancing heritage assets
- LP28 Landscape, treescape, and built environment character, including cathedral views
- LP30 Conserving and enhancing biodiversity and geodiversity
- LP31 Development in the countryside

7.0 PLANNING COMMENTS

The main considerations of this application are: principle of development, visual amenity, cultural heritage, heritage assets, residential amenity, traffic and transportation, parking provision, biodiversity and ecology and water management.

7.1 Principle of Development

- 7.1.1 The site is located outside the established development frameworks for Ely and Soham and forms part of the wider holding currently operated by Barcham Trees. Policy GROWTH 2 seeks to focus development on the market towns of Ely, Soham and Littleport but acknowledges that development can be permitted in the countryside where it meets one of the defined exceptions. These include extensions to existing business and tourism related development. The aspirations of policy GROWTH2 are carried forward in policy LP3 of the Proposed Submission Local Plan with scope to carry out development in the countryside supported by policy LP31.
- 7.1.2 Policy EMP2 supports extensions to existing businesses in the countryside where:
- The proposal does not harm the character and appearance of any existing buildings or the locality;
 - The proposal is in scale with the location and would not (by itself or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated;
 - The extension is for the purpose of the existing business; and
 - Any intensification of use will not detract from residential amenity.
- 7.1.3 Policy LP31, Part F of the Proposed Submission Local Plan states that proposals for non-residential development in rural areas will be supported, in principle, provided that:
- The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;
 - The location of the enterprise is suitable in terms of accessibility;
 - The location of the enterprise would not result in conflict with neighbouring uses; and
 - The development is of a size and scale commensurate with the proposed use and with the rural character of the area.
- 7.1.4 Given the current status of the Proposed Submission Local Plan it is considered that moderate weight should be given to the emerging policies. However, both the current Local Plan and Proposed Submission Local Plan are in accordance with the core principles of the National Planning Policy Framework (NPPF) in relation to supporting a prosperous rural economy through promotion of the development and diversification of land-based rural businesses and the support of sustainable rural tourism and leisure developments that benefit businesses in rural areas, and which respect of character of the countryside.
- 7.1.5 There is significant policy support in principle for the proposal and the applicant is utilising part of their existing holding on which to create the arboretum and visitor centre. At present there are limited opportunities for customers to visit the business and the applicant is seeking to showcase their products in the arboretum as well as providing enhanced conference and educational facilities that are separate from the operational side of the business. The application site lies adjacent to the existing operational buildings and does not compromise the functionality of the existing business in any way. The business currently has 50

full time employees, with an additional 25 staff employed in the planting season from November to April. The applicant expects this to rise to 100 full time employees and 25 seasonal staff once the arboretum and visitor centre are established.

- 7.1.6 The impact of the proposal on the character and appearance of the area and on residential amenity are addressed below, together with an assessment of the likely impact on the local highway network.
- 7.1.7 Policy EMP7 relates to tourist facilities and visitor attractions and supports new or extended facilities or attractions where it can be demonstrated that:
- There is an identified need to create new facilities or to expand or improve existing visitor attractions and facilities to ensure their continued viability;
 - The proposal is of an appropriate scale and nature relative to its location, and would not (by itself or cumulatively) have a significant adverse impact in terms of the amount and nature of traffic generated.
 - The character and appearance of the area and natural assets would be maintained and enhanced.
 - The proposal maximises opportunities for sustainable travel including walking, cycling and public transport; and
 - Opportunities to reuse existing buildings have been explored.
- 7.1.8 In addition to the criteria attached to policy EMP7 emerging policy LP11 requires applicants to demonstrate that the proposal is a viable business proposition and that recreational pressure on nearby protected nature conservation sites is not significantly increased.
- 7.1.9 In the Planning Statement accompanying the application Barcham Trees is described as the largest container tree nursery in Europe and has an annual turnover of £5.5 million. The business expects this to increase to circa £10 million. A key component of increasing turnover is the need to diversify the business and attract visitors so that they can view products before purchasing. It is therefore considered that the established nature and size of the existing business is such that this proposal presents itself as a viable business proposition. There are no other directly comparable visitor attractions in the district and the scheme has the support of the Council's Tourism and Town Centre Manager who states *"A facility of this kind can only be beneficial to the local and tourist economy and increase footfall and dwell time to this particular part of the district"*.
- 7.1.10 The proposed visitor centre will contain a significant amount of retail space (2099sqm internal space and 4211sqm external space). The applicant has stated that this space will be predominantly for comparison goods and while this is not the primary purpose of the development, it is an important ancillary element of the overall visitor experience.
- 7.1.11 Both the current Local Plan and Proposed Submission Local Plan require justification for the location of retail (and other town centre uses) outside of the designated town centres of Ely, Soham and Littleport.

- 7.1.12 Policy COM1 states that proposals outside of town centres may be permitted where:
- The sequential approach has been followed and there are no suitable sequentially preferable sites available;
 - The site is suitable for the proposed use and the building form and design is appropriate in the local context;
 - The scale and type of development is directly related to the role and function of the centre or its locality, in accordance with the hierarchy in policy GROWTH 2;
 - For retail development of 280m² net floor space or larger, there would be no adverse effect on the vitality and viability of the nearest town centre, or on any other centres, as demonstrated in a Retail Impact Assessment;
 - The development would enhance the character and attractiveness of the centre and its locality, and not adversely affect residential amenity; and
 - The development would be accessible by a choice of means of transport (including public transport, walking and cycling), and the local transport system is capable of accommodating the potential traffic implications.
- 7.1.13 The policy goes on to state that proposals for tourist facilities and attractions that require a rural location can be acceptable provided they accord with policy EMP7. Emerging policy LP14 contains the same criteria as that set out above and attached to policy COM1 but does not make reference to tourist facilities and attractions.
- 7.1.14 In accordance with policy COM1 the applicant has submitted a Retail Impact Assessment (RIA) and at the request of the case officer an Addendum was also submitted to expand upon the details in the original document.
- 7.1.15 The RIA sets out the applicant's sequential approach to site selection, using the key tests identified within the Planning Practice Guidance (PPG) – suitability, availability and viability - in order to assess sites. A number of sites allocated for development in the current Local Plan have been assessed including town centre and out of centre sites. Many sites were either too small or financially unviable due to their brownfield status. Where sites were identified as being suitable and available the applicant concluded that it would be unsustainable for Barcham Trees to have to transport their goods to the location considering that they have the capacity to accommodate the development on their existing site. Other factors such as sites being located in Flood Zone 3 and within mineral safeguarding areas have also influenced the sequential assessment.
- 7.1.16 The applicant has advised that disaggregation would not be feasible as each of the elements proposed relies upon one another and supports one another whilst relating specifically to the existing business.
- 7.1.17 As stated above, the applicant has sufficient space on its own holding to accommodate the proposal, whilst leaving circa 120 hectares (plus 60 hectares of leased land) for the operational side of the business. In addition, the primary purpose of the proposal is to showcase the trees grown and produced by Barcham Trees. The arboretum is therefore the 'driver' behind the development with the visitor centre an ancillary element designed to enhance the 'visitor experience' and

allow the general public to purchase trees and related goods. Based upon the information supplied it is considered that there are no sequentially preferable sites available that would achieve the development proposed. The proposal is also intended to attract customers and visitors from a much wider catchment area than either the town centre of Soham or city centre of Ely and the ability for linked trips is acknowledged by the Tourism and Town Centre Manager.

- 7.1.18 Given the scale of the retail areas the applicant was asked to consider how the development may impact other garden centres nearby and to justify the retail space proposed.
- 7.1.19 In the RIA Addendum the applicant refers to the fact that policy COM1 refers to the need to ensure there would be no adverse effect on the vitality and viability of the nearest town centre, or on any other town centres. The applicant maintains that the retail element of the scheme is promoting economic competition between itself and other garden centres, and not within the town centres of Soham and Ely. Economic competition between companies within a certain industry is not a material planning consideration.
- 7.1.20 A rudimentary assessment of a number of garden centres within the district has been carried out by the applicant and an appraisal of the suitability of those sites for the proposed scheme. The RIA Addendum concludes that these garden centres operate differently to Barcham's proposals in that their primary function is as a garden centre, and their stock is traditional garden centre stock. The operation of the arboretum and visitor centre will be primarily to function as a visitor facility and tourist attraction to showcase trees.
- 7.1.21 The proposal includes 6310sqm (0.631 ha) of internal and external retail space, however, this is in comparison to a total site area of 6.9 ha, with the arboretum itself occupying 48,000sqm (4.8ha) of the site. The applicant seeks to justify the amount of retail space by referring to the need to display products in an uncluttered environment and include the display of larger bulky goods produced by Barcham Trees themselves. The RIA Addendum lists a number of complementary goods that will be sold, more akin to the traditional garden centre format.
- 7.1.22 The remainder of the criteria attached to policy COM1 are addressed in detail below, however, it is considered that the proposal will not adversely affect the vitality and viability of the town centres of Soham and Ely and as already detailed, the proposal has the potential to enhance the town centres through the increased visitor numbers to the area.

7.2 Visual amenity

- 7.2.1 The site occupies a countryside location, in between the settlements of Ely and Soham. The A142 runs alongside the site and there is currently some boundary vegetation along with boundary, although it is sparse in places. In particular, there are clear views across the site when travelling towards Soham from the north-west corner of the site and the existing buildings on the Barcham Trees holding are visible in the landscape. Prior to the submission of the application the application site was in use for the growing of trees and the uniform rows of trees were visible to passers-by. This is in contrast to the fenland landscape to the north and west of

the site that is characterised by open farmland, with intervening drainage features and clusters of trees and hedgerows.

- 7.2.2 A Landscape and Visual Appraisal was submitted with the application. The Appraisal suggests that the application is considered to have medium-low landscape value as although the site's setting is mainly agricultural in character, its proximity to adjacent non-agricultural businesses and the A142 reduces local tranquillity.
- 7.2.3 The visitor centre will be the main new structure on the site, located towards the south-east corner of the site and approximately 110m from the A142 at its closest point. The central atrium feature is 10m high with the side elements reducing to a low point of 3m. The building sits beyond the arboretum when viewed from the north-west but will still appear visible in the landscape, although proposed boundary landscaping will restrict views in certain places. The building will also be present in views from the north but again, this will be tempered by the arboretum itself and the boundary planting. There will be more limited views of the visitor centre from the south and east.
- 7.2.4 The arboretum itself will become a prominent feature in the landscape, differing from the surrounding fenland landscape in the same way as the current land use does. Views of the development as a whole may be possible from residential dwellings on Eye Hill Drove and Nornea Lane, however, these will be mitigated by intermediate vegetation, the orientation of their outlook and distance.
- 7.2.5 The visitor centre occupies a large footprint and will be the dominating feature on the application site together with the adjacent car parking areas. The visitor centre has however been sensitively designed for its countryside location and it is considered that subject to the use of appropriate materials that its presence in the landscape would not cause significant and demonstrable harm to the visual amenity of the area. Over time the arboretum and boundary planting will become established and enclose and screen the building and it is anticipated that the arboretum will become the dominating feature.
- 7.2.6 The Landscape and Visual Appraisal identifies that the main adverse impacts could be related to the proposed widening of Eye Hill Drove and the subsequent loss of trees and hedges along this length of highway. At the request of the local planning authority a Tree Survey and Arboricultural Impact Assessment has been submitted by the applicant. The report indicates the loss of roadside trees and hedgerows along the length of Eye Hill Drove to the proposed access to the site. This includes a mature Oak tree and an Ash tree, which is close to the junction with the A142. The Council's Trees Officer has stated that the trees on the existing entrance into the site are worthy of Tree Protection Orders, however, she has refrained from serving TPOs as the trees are not under threat of removal prior to the determination of the planning application.
- 7.2.7 The applicant is in control of the land to the south-east of Eye Hill Drove, where the majority of the tree and hedgerow removal will take place. The applicant has stated its commitment to provide replacement planting long this boundary, which will consist of a variety of mature species, taken from the applicant's own stock. The proposal will result in a change in the character of Eye Hill Drove, by virtue of

the provision of a wider road surface together with pedestrian footpath and the additional traffic that uses it. However, given the applicant's ability to plant mature trees to compensate for the loss of the existing vegetation it is considered that the proposals do not bring the proposal into conflict with elements of policies EMP2, EMP7 and ENV1, which seek to ensure that development proposals do not harm the character and appearance of the locality, to such an extent that would warrant refusal of the application.

7.3 Cultural heritage

7.3.1 There are no designated heritage assets within the site and although the Landscape and Visual Appraisal makes reference to a number of historic buildings, the majority are located at least 2km from the application site. The Conservation Officer was asked to comment on the application and consider whether it would have any impact on heritage assets. The Conservation Officer raised concerns that the conclusion reached in the Landscape and Visual Appraisal that there would be a neutral impact on heritage sites had not been justified.

7.3.2 The applicant has considered this point further and it is accepted that there are no direct views to any heritage assets from the site. The proposal will feature in the landscape when viewed from a distance, however it is considered that any harm caused to the wider landscape when viewed from points such as the tower at Ely Cathedral would be minor and certainly less than substantial. It is further considered that the economic and ecological benefits of the scheme could be attributed as public benefits and as such significantly outweigh any harm caused.

7.4 Residential amenity

7.4.1 Local Plan policy ENV2 requires this application to ensure it does not result in a significantly detrimental harm to the residential amenity of neighbouring occupiers; this is the same aspirations of emerging policy LP22 in the Proposed Submission Local Plan.

7.4.2 Due to the separation distance of c.65 metres from the proposed retail and conference centre to the nearest residential boundary the proposed building is not considered to be significantly overbearing nor cause a significant loss of light for neighbouring occupiers.

7.4.3 Consideration has also been given to noise levels, odour and lighting from the aforementioned retail and conference centre. Environmental Health were consulted as part of this application and considered that a full noise or odour impact assessment would not be required but requested additional information regarding external plant/machinery, specification of the plant/machinery, times of use of plant/machinery, extraction equipment, external lighting details and confirmation of boundary treatments between the site and neighbouring occupiers.

7.4.4 The applicant has confirmed that the plant/machinery for the site was yet to be determined, and given the separation distance from the nearest sensitive receptors and the current commercial use on the site, that these details could be secured by condition. This was considered to be acceptable by Environmental

Health. It is considered acceptable schemes can be secured by way of planning condition this includes locations, time of use and specifications.

7.4.5 A number of concerns have been raised by local residents regarding a loss of privacy as a result of the increased traffic movements, and the widening of the highway along Eye Hill Drove which will bring vehicle movements closer to residential boundaries. Consideration has been given as to the extent of this impact. It is noted that where vehicles are brought closer to common boundaries with the highway, views will generally be of front gardens and not of private amenity space. The access into the site itself has been moved south-west along Eye Hill Drove by approximately 15m in order to ensure that it is no longer located directly opposite the dwelling known as Eye Hill Farm, thereby minimising the impact of the proposal on the occupiers of this dwelling.

7.4.5 It is acknowledged that the proposal as a whole, including the highway improvement works, will have an effect on the residential amenity of existing occupiers on Eye Hill Drove. It should be noted that Barcham Trees currently operate from the site and that there is a certain level of activity occurring already and any lawful intensification of the existing use will have an additional impact. It is also accepted that the character of Eye Hill Drove is likely to change and that there will be a certain level of noise and disturbance from traffic movements and users of the visitor centre. In addition there will be increased deliveries to the Barcham Trees site in connection with the retail stock and café/restaurant. However, it is considered that once inside the visitor centre or arboretum that visitors will not directly impact on the amenity of residents. On balance therefore it is considered that subject to the imposition of appropriate planning conditions, as recommended by the Environmental Health team, and the strengthening of boundary treatments with the dwellings to the north-west of Eye Hill Drove, that the proposal will not have a significantly detrimental effect on residential amenity such that would warrant refusal of the application.

7.5 Traffic and transportation

7.5.1 Access to the site will be via Eye Hill Drove and the applicant was informed at pre-application stage by the Local Highway Authority that the proposed development would require an improvement to the A142/Eye Hill Drove junction from a simple priority T junction into a ghost island right turn facility.

7.5.2 The proposed junction improvements have been subject to a Road Safety Audit, carried out by Cambridgeshire County Council, and have been the subject of detailed discussion with the Local Highway Engineer. The necessary work to accommodate the ghost right turn is proposed together with the movement of the south-bound bus stop. Eye Hill Drove itself will be widened to 6.5m for approximately 240m and a 1.8m footway is also proposed to allow pedestrians safe passage to and from the bus stops. An existing access into a field to the south of Eye Hill Drove that belongs to Barcham Trees will also be set back. As stated above, the entrance to Barcham Trees off Eye Hill Drove will be moved approximately 15m to the south-west. This entrance will serve both the visitor centre and arboretum and the remainder of the Barcham Trees site.

- 7.5.3 There is a 'pinch point' on Eye Hill Drove approximately 25m from the new access that will be 4.5m wide as the land required to widen the road at this point is not in the control of the applicant or the Highway Authority. The Local Highway Authority has stated that this 'pinch point' is located far enough away from that A142 that it should not have a significant detrimental effect on highway safety. This 'pinch point' will need to be formalised with signage and road markings.
- 7.5.4 The Local Highway Engineer has confirmed that the applicant was advised at pre-application stage that no new access onto the A142 within the vicinity of the shown planning boundary would be permitted for a number of reasons. In addition, it is considered that the existing junction with Eye Hill Drove is capable of accommodating the level and type of traffic generated once the highway improvements have been carried out. The Local Highway Authority has stated that the construction of a roundabout on the Eye Hill Drove junction would not be appropriate for the same reasons that a new access is not and that the number of trips generated to and from this site would not warrant or justify such a feature. Subject to a number of conditions relating to the highway improvements the Local Highway Engineer does not object to the proposal.
- 7.5.5 The applicant has submitted a Transport Statement (TS) with the application that contains details of trip generation. The TS refers to the fact that the proposed development is unique and therefore it is difficult to quantify the likely number of trips that could be generated. An assessment based on the total floor space of the visitor centre indicates that there could be 100 vehicles arriving and 108 departing during the weekend daytime peak period. The TS goes on to assess the adequacy of the access arrangements off the A142 for this volume of traffic and also takes into account the impact of the 'pinch point' on Eye Hill Drove.
- 7.5.6 The Transport Assessment team at Cambridgeshire County Council has reviewed the TS and has had detailed discussions with the applicant's agent regarding the day-to-day operation of the application site and its likely impact on the wider highway network. Although some reservations were initially raised by the Transport Assessment team regarding the data within the TS, it was confirmed to the LPA that no further assessment work was required and that the committed development referred to in the team's initial comments did not need to be taken into account. This is due to the fact that the committed development, i.e. housing and employment development in and around Soham and Fordham, will have an impact on the highway network at peak times. The application proposal is not considered to generate high volumes of traffic at peak periods. The Transport Assessment team has confirmed that subject to a planning condition restricting the hours of use of the conference facilities, that it does not consider that the proposal will have a severe impact on the highway network.
- 7.5.7 Paragraph 32 of the NPPF states that "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*". The proposal is not expected to have a severe impact on the highway network, improvements are proposed to the A142 and Eye Hill Drove that will improve highway safety, a safe route for pedestrians is being provided and improvements are being made to the south-bound bus stop. On balance therefore it is considered that the proposal meets the requirements of policies EMP2, EMP7, COM1 and COM7 as well as emerging policies LP11, LP14

and LP17 in relation to traffic and transportation and the fact that the development would be accessible by a choice of means of transport.

- 7.5.8 Residents on Eye Hill Drove and Barcham Road have raised concerns that visitors leaving the Barcham Trees site may chose to avoid the Eye Hill Drove/A142 junction and use Barcham Road as an alternative route. Barcham Road is narrow in places and is considered by local residents to be unsuitable for large volumes of traffic. The Local Highway Authority has not raised this as a potential issue and the applicant cites the fact that the improvements proposed to Eye Hill Drove will ensure that this is the preferred route for visitors. The applicant has also agreed to construct signage within the application site directing visitors back to the A142 via the southern length of Eye Hill Drove. In the absence of any objection from the Local Highway Authority on this point it is not considered to warrant any further consideration.
- 7.6 Parking provision
- 7.6.1 The Transport Statement referred to above details the likely number of vehicle movements to and from the application site. This data has been used to inform the car parking arrangements for the site. The car parking accumulation predicted over the weekend will be just over 100 vehicles and a total of 150 formal car parking spaces are therefore proposed. In addition an overflow parking area extending to approximately 1750m² and approximately 1250m² of coach parking. Space has also been designated for cycle parking.
- 7.6.2 As stated above, the proposal is quite unique in that there are no directly comparable arboretums and visitor centres in the locality. Policy COM8 of the Local Plan requires development proposals to provide adequate levels of car and cycle parking and make provision for parking *broadly* in accordance with the Council's parking standards (as set out in the policy). These principles are carried forward in emerging policy LP22 and the parking provision standards set out in Appendix B of the Proposed Submission Local Plan.
- 7.6.3 A mixture of uses are proposed as part of the scheme including retail and cafe/restaurant, however, it is considered that these uses are all linked and that visitors to the site will combine a visit to the arboretum with a visit to the retail area and cafe.
- 7.6.4 Based on the amount of retail space included within the proposal the parking standards contained within policies COM8 and LP22 dictate that up to 315 spaces should be provided. The applicant has in part justified its size of retail area on the basis that it wishes display its goods, in particular the trees grown on the site, in a spacious environment. Semi-mature trees of the variety sold by the applicant can also be several metres tall and require sufficient space for display and maintenance. Given that the local highway authority has accepted the trip calculation numbers provided by the applicant it is considered that 150 formal car parking spaces together with a large area for overflow parking and coach parking will be sufficient and that it is very unlikely that vehicles will be parked on the public highway. In addition, the bus stop and footway improvements proposed as part of the scheme will encourage the use of public transport and reduce the reliance on the private motor vehicle.

- 7.6.5 The laying out of the car parking and cycle spaces can be secured by condition as well as the designation of an appropriate number of disabled spaces.
- 7.7 Biodiversity and ecology
 - 7.7.1 Under Local Plan policy ENV7 this application is required to protect biodiversity and geological value of land and buildings, and minimise harm to or loss of environmental features such as hedgerows and trees. An extended phase one habitat survey was submitted in support of this application.
 - 7.7.2 The survey considers that the site is considered to have minimal ecological value due to the transitional nature of the site with trees regularly being moved as part of the business. There is vegetated boundary treatment surrounding the nursery aspect of the site and mature vegetation along the access road from the A142 along Eye Hill Drove.
 - 7.7.3 Bat populations have historic records within 2km of the site. While bats may use the boundary treatment vegetation for foraging the trees within the site as they are regularly moved do not result in a habitat for bats, and offer limited foraging opportunities. The report recommends a number of recommendations for lighting to minimise impacts on bats, and a lighting scheme can be secured by way of planning condition.
 - 7.7.4 The report also highlights that the general environment of the site is not suitable for other biodiversity, or where suitable the site visit has shown no evidence of such biodiversity being impacted by the proposed development.
 - 7.7.5 The proposed development is within approximately 100 metres of the Delph Bridge Drain SSSI which is designated for supporting the only known population of Fen Ragwort in the UK. Natural England originally objected to the scheme due to concerns with impacts through water quality changes and pollution through construction and operation of the site. Natural England therefore requested more hydrological information from the applicant to demonstrate that this scheme was acceptable. Following the submission of this information this objection was withdrawn, and Natural England considered to development to carry very low risk to the Delph Bridge Drain SSSI. They also note that the applicant has agreed to incorporate Fen Ragwort habitat within the proposed scheme, which is considered to be a benefit.
 - 7.7.6 The scheme also includes the opportunity for a number of other biodiversity enhancement measures, of which a detail scheme can be secured by way of planning condition. The arboretum is considered long term that it will in itself have a positive impact on ecology when compared to the existing site.
 - 7.7.7 It is noted that concerns have been raised by residents along Eye Hill Drove regarding ecology and the potential impact of the road widening. The ecology appraisal does not suggest any significant impact to ecology. It is therefore considered that on balance the proposed development has the opportunity to result in ecological enhancements beyond current conditions, and it therefore complies with Local Plan policy ENV7 and emerging policy LP30.

- 7.7.8 The Tree Officer's initial comments on the proposal reflected his support for the proposal and he stated that the plans were well considered in relation to the current site use and wider landscape. The highway improvement works were subsequently updated to take account of the LHA requirements and the road safety audit. Officers then identified that trees and hedgerows within or close to the highway verge on Eye Hill Drove would be affected by the works and a Tree Survey and Arboricultural Impact Assessment was requested from the applicant.
- 7.7.9 As stated above the Assessment confirms that several lengths of hedgerow will need to be removed and the highway improvement works will also result in the loss of an Ash tree and an Oak tree. The Senior Trees Officer expressed her disappointment at the loss of these trees and hedgerow and highlighted the need for the benefits of the scheme to be weighed against the harm caused through the loss of these mature trees.
- 7.7.10 The applicant has sought to address this issue through the provision of replacement planting along the affected length of Eye Hill Drove. The Trees Officer has since revisited the site and has confirmed that the existing hedge along this section of Eye Hill Drove appears to be partly on land belonging to Barcham Trees and partly on the roadside verge, and is predominantly regenerated Elm with ivy/bramble and some self set Ash trees. The Elm will most likely succumb to Dutch Elm disease and be lost from the hedgerow. Several fastigate Hornbeam trees have planted by Barcham Trees in recent years on this verge, and they could be moved and relocated. The Senior Trees Officer supports the replacement planting proposed, which will include Oak trees with Hornbeam and other suitable species in between. This new tree planting will provide a significant landscape feature, and increase the local Oak tree population for the future, compensating to some degree for the loss of the mature Oak tree and two Ash trees.
- 7.8 Water management
- 7.8.1 Local Plan policy ENV8 requires all developments and re-developments to contribute to an overall flood risk reduction. This includes seeking to locate developments in Flood Zone 1. Development will not be permitted where it cannot demonstrate suitable flood management and mitigation measures, where it increases risk elsewhere or causes an unacceptable risk to safety. This is also as set out in emerging policy LP25 and the Cambridgeshire Flood and Water SPD.
- 7.8.2 This application has been supported with a Flood Risk Assessment and surface water drainage strategy provided by the applicant. The site is located primarily in Flood Zone 1. However, a minimal portion of the western boundary of the site does fall within a defended Flood Zone 3. All built development will be within Flood Zone 1.
- 7.8.3 The Lead Local Flood Authority have been consulted as part of this application and they have raised no objections to the principle of surface water drainage methods proposed by the applicant subject to a detail scheme being secured by condition. The Internal Drainage Board have also raised no objections to the proposed providing it does not increase surface water drainage run off rates above Greenfield levels.

- 7.8.4 Given that the built form of the proposed application is outside of Flood Zone 3 and a small section of the arboretum will be located within it, it is considered that it would constitute water compatible development as laid out by the EA in their Flood Risk Vulnerability Classification as it is outdoor amenity space.
- 7.8.5 As a result of the above the application is therefore considered to comply with policies ENV8, LP25 and the Flood and Water SPD subject to necessary planning conditions to ensure a detailed surface water drainage scheme is submitted.
- 7.9 Other matters
- 7.9.1 The British Horse Society has commented on the proposal, stating that numerous liveries operate in the locality and that Eye Hill Drove and Barcham Road are used to exercise horses. The BHS also raises concerns regarding the safety of equestrian and other non-motorised users of the highway network close to the site. It is considered that the highway improvements referred to above adequately address the safety of motorised and non-motorised traffic. The widening of the road will allow vehicular traffic to safely pass horses and the footway and replacement verge will still be available.
- 7.9.2 The retail element of the application will be subject to the community infrastructure levy (CIL). The proposal will therefore make a contribution to infrastructure projects within the District and provide Soham Town Council with a sum of money to invest in the Parish.
- 7.10 Planning balance
- 7.10.1 The proposal does not neatly fit in with one specific development plan policy. The scheme has therefore been assessed against policies relating to the locational strategy for development, the extension of existing businesses in the countryside and the provision of tourist and visitor attractions. The proposal complies with a number of elements of all these policies, however it is accepted that the scale of the proposal is such that it will alter the character of the area, in particular Eye Hill Drove through the highway improvement works proposed. The proposal will result in an increase in traffic and nearby residents will be affected by the intensification of activity on the Barcham Trees site. These matters attract some weight against the proposal.
- 7.10.2 The applicant is committed to providing a comprehensive scheme of highway improvement works that have been endorsed by the Local Highway Authority. The Transport Assessment Team is also satisfied that the type and level of traffic generated will not adversely affect the local highway network. In the absence of an objection from the Local Highway Authority to the proposal it is considered that the scheme complies with the relevant development plan policies in relation to highway safety.
- 7.10.3 The applicant has presented a satisfactory scheme for the management of surface water and is committed to providing biodiversity and ecological enhancements on site. The applicant is in a position to carry out comprehensive replacement planting on Eye Hill Drove and on this basis it is considered that the loss of an

Oak tree and an Ash Tree can be justified and their loss attracts negligible weight against the proposal.

- 7.10.4 The development is expected to bring significant economic benefits in the form of additional employment and turnover for a well established, internationally renowned business. The proposal will attract customers and visitors to both Ely and Soham and is supported by Soham Town Council and the East Cambridgeshire's Tourism and Town Centres Manager. The benefits of the scheme are therefore considered to attract very significant weight in favour of the proposal, to the extent that this outweighs any harm to the character of the area and on the residential amenity of nearby occupiers.

8.0 COSTS

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural 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:
- The Local Highway Authority does not object to the scheme

9.0 APPENDICES

- 9.1 Draft planning conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/01128/FUM	Julie Barrow Room No. 011 The Grange Ely	Julie Barrow Senior Planning Officer 01353 665555 julie.barrow@eastca mbs.gov.uk
98/00442/AGN		
99/00430/FUL		
02/01125/ADN		
05/01348/ADN		
10/00326/FUL		
89/01444/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 - 17/01128/FUM Conditions

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

Plan Reference	Version No	Date Received
852-PL-01	B	3rd July 2017
852-PL-05	A	26th June 2017
852-PL-04	A	26th June 2017
852-PL-06		26th June 2017
852-PL-02		26th June 2017
852-PL-03	A	26th June 2017
852-PL-06		13th October 2017
G03162/15/002	A	29th November 2017
G03162/15/001		29th November 2017
G03162/15/003	E	29th November 2017
G03162/15/004	C	29th November 2017
G03162/15/005	D	29th November 2017
TREE SURVEY		29th November 2017
6441-D TREE PLAN	A	29th November 2017

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 Prior to work commencing on the construction of the Arboretum details of the hard landscaping elements shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - (i) The construction method and materials to be used on all pathways and hard surfaces
 - (ii) Details of all external lighting to be used in the Arboretum
 - (iii) Details of all play equipment and furniture (benches, bins etc.) to be installed.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP28 of the Proposed Submission Local Plan. This condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 4 Prior to work commencing on the construction of the Arboretum details of the lake and all contoured features shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the dimensions of all such features together with section drawings confirming the height/depths and details of any barriers/railings etc. to be installed.

- 4 Reason: To safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP28 of the Proposed Submission Local Plan. This condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 5 Prior to work commencing on the construction of the Arboretum, a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include planting plans, a written specification, schedules of plants noting species, plant sizes, proposed numbers/densities and an implementation programme.
- 5 Reason: To safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP28 of the Proposed Submission Local Plan. This condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
- 6 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and policy LP27 of the Proposed Submission Local Plan. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 Prior to commencement of development a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Surface Water Drainage/SuDS Strategy prepared by Evans Rivers and Coastal (ref: 1698/RE/10-16/01 Rev A) dated June 2017, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the development is completed.
- 7 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and policy LP25 of the Proposed Submission Local Plan. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 8 Prior to first use of the Arboretum and Visitor Centre a scheme of biodiversity improvements / enhancements shall be submitted to and agreed in writing with the Local Planning Authority. The details shall include measures to create a Fen Ragwort habitat within the Arboretum.
- 8 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and policies LP28 and LP30 of the Proposed Submission Local Plan.

- 9 No above ground construction of the Visitor Centre (including the car park and internal access road) shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first use of the Visitor Centre.
- 9 Reason: To safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP28 of the Proposed Submission Local Plan.
- 10 No above ground construction shall take place on site until details of the materials to be used on the Visitor Centre have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 10 Reason: To safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP28 of the Proposed Submission Local Plan.
- 11 Prior to any work commencing on the site in connection with the hard landscaping features within the Arboretum (including the lake) and the Visitor Centre a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Proposed Submission Local Plan. This condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 12 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00-18:00 each day Monday-Friday, 08:00-13:00 Saturdays and none on Sundays, Public Holidays or Bank Holidays.
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Proposed Submission Local Plan.
- 13 Prior to first use of the Visitor Centre details of all external plant, machinery and equipment shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the nature and frequency of maintenance arrangements, the level of noise emitted and the hours of use. Development shall be carried out in accordance with the approved details.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Proposed Submission Local Plan.

- 14 Prior to first use of the Visitor Centre details of all external lighting, including that to be used in the car park and internal access roads, and its times of use shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 14 Reason: To safeguard the residential amenity of neighbouring occupiers and the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP28 of the Proposed Submission Local Plan.
- 15 Prior to any above ground work commencing on the internal access roads and car parking area details of the hard surfacing and soft landscaping to be used in these areas shall be submitted to and approved in writing by the local planning authority. The details shall include the cycle storage/parking area and the layout and number of car parking spaces, including disabled spaces, together with appropriate signage. Development shall be carried out in accordance with the approved details.
- 15 Reason: To safeguard the character and appearance of the area and to ensure satisfactory levels of parking and cycle provision are provided on site, in accordance with policies ENV1, ENV2 and COM8 of the East Cambridgeshire Local Plan 2015 and policies LP18, LP22 and LP28 of the Proposed Submission Local Plan.
- 16 The use of the Arboretum and Visitor Centre (excluding conferences) shall take place only between the hours of 09:00-18:00 each day Monday - Saturday and 10:30-16:30 on Sundays, Public Holidays and Bank Holidays.
- 16 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Proposed Submission Local Plan.
- 17 The use of the conference facilities within the Arboretum and Visitor Centre shall be strictly limited to the hours of 10:00-15:30 each day Monday - Friday and none on Saturdays, Sundays, Public Holidays and Bank Holidays.
- 17 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and policies LP17 and LP22 of the Proposed Submission Local Plan.
- 18 Prior to first use of the Arboretum and Visitor Centre a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service shall be submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative shall be installed and completed in accordance with the approved details prior to first use.
- 18 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use.
- 19 Prior to first use of the Arboretum and Visitor Centre the highway improvement works to Eye Hill Drove, the junction of Eye Hill Drove / A142 and Barway Road / A142 as shown on Drawing Nos. G03162/15/001, G03162/15/002 Rev A, G03162/15/003 Rev E,

G03162/15/004 Rev C and G03162/15/005 Rev D shall be completed to Cambridgeshire County Council specifications and requirements.

- 19 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and policies LP17 and LP22 of the Proposed Submission Local Plan.
- 20 Prior to first use of the Arboretum and Visitor Centre details of the replacement tree and hedge planting to be carried out on Eye Hill Drove shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the positions / density, species and planting size. Planting shall take place in accordance with the approved details within the first planting season following completion of the highway improvement works or in accordance with a program of planting approved by the Local Planning Authority. Any such trees or hedgerows that are removed die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within a period of five years of planting shall be replaced with specimens of a similar size and species as originally required.
- 20 Reason: To assimilate the development into its surroundings and to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 201 and policies LP22 and LP28 of the Proposed Submission Local Plan.
- 21 Prior to first use of the Arboretum and Visitor Centre details of signage to be erected within the site directing visitors to the A142 shall be submitted and approved in writing by the Local Planning Authority. The signage shall be in place prior to first use.
- 21 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and policies LP17 and LP22 of the Proposed Submission Local Plan.
- 22 The car park, including the overflow car park and coach parking area, shall be laid out in accordance with the details approved under condition 15 prior to first use of the Arboretum and Visitor Centre. These areas shall be levelled, surfaced and drained and thereafter retained for that specific use unless otherwise agreed in writing by the Local Planning Authority.
- 22 Reason: In the interests of highway safety and to prevent vehicles parking on Eye Hill Drove, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and policies LP17 and LP22 of the Proposed Submission Local Plan.
- 23 Prior to first use of the Arboretum and Visitor Centre a management plan for servicing and deliveries to the site, including times, shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall be adhered to at all times.
- 23 Reason: In the interests of highway safety and to safeguard the residential amenity of neighbouring occupiers, in accordance with policies ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and policies LP17 and LP22 of the Proposed Submission Local Plan.

- 24 Prior to work commencing on the new access into the site off Eye Hill Drove full details of the exact position and layout of the access together with the internal access roads shall be submitted to and approved in writing by the Local Planning Authority. The access and internal roads shall be laid out and completed in accordance with the approved details prior to first use of the Arboretum and Visitor Centre.
- 24 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and policies LP17 and LP22 of the Proposed Submission Local Plan.
- 25 The existing Barcham Trees access off Eye Hill Drove shall be permanently and effectively closed and the footway / highway verge shall be reinstated in accordance with a scheme to be agreed with the Local Planning Authority, within 28 days of the bringing into use of the new access.
- 25 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and policies LP17 and LP22 of the Proposed Submission Local Plan.
- 26 Prior to first use of the Arboretum and Visitor Centre the existing field access off the A142 shall be permanently and effectively closed and the footway / highway verge shall be reinstated in accordance with a scheme to be agreed with the Local Planning Authority.
- 26 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and policies LP17 and LP22 of the Proposed Submission Local Plan.
- 27 The development hereby approved shall meet BREEAM Very Good standard or equivalent. If this standard cannot be achieved by virtue of the site's location then prior to above floor slab construction works it must be demonstrated by a BRE Licensed Assessor how all other BREEAM standards have been fully explored in order to meet the highest standard of BREEAM Good or equivalent and agreed in writing by the Local Planning Authority.
A certificate, following post construction review, shall be issued by a BRE Licensed Assessor to the Local Planning Authority, indicating that the relevant BREEAM standard has been achieved or its equivalent within six months of first occupation of the site for written agreement by the Local Planning Authority.
- 27 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 LP24 of the Proposed Submission Local Plan.