



East Cambridgeshire District Council

Minutes of a Meeting of the Planning Committee

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 2:00pm on
Wednesday 5 June 2024

Present:

Cllr Chika Akinwale
Cllr David Brown
Cllr Martin Goodearl
Cllr Julia Huffer (substitute for Cllr Christine Ambrose-Smith)
Cllr Bill Hunt
Cllr James Lay
Cllr Ross Trent
Cllr John Trapp
Cllr Christine Whelan
Cllr Gareth Wilson

Officers:

Maggie Camp – Director Legal Services
Kevin Drane – Trees Officer
Gemma Driver – Senior Planning Officer
Leah Mickleborough – Interim Senior Democratic Services Officer
David Morren – Interim Planning Manager
Cameron Overton – Trainee Democratic Services Officer
Andrew Phillips – Planning Team Leader
Dan Smith – Planning Team Leader
Angela Tyrrell – Senior Legal Assistant

In attendance:

Richard Conroy (Agent, Agenda Item 6)
Neil Pistol (Applicant, Agenda Item 6)
Chris Frost (Agent, Agenda Item 7)

2 other members of the public

Sarah Parisi – Development Services Senior Support Officer
Helen Stratton – Planning Support Officer

11. Apologies and substitutions

Apologies for absence were received from Cllrs Christine Ambrose Smith and Lavinia Edwards

Cllr Julia Huffer was attending as a substitute.

12. Declarations of interest

No declarations of interest were made.

13. Minutes

The Committee received the Minutes of the meeting held on 1 May 2024

It was resolved unanimously:

That the Minutes of the Planning Committee meeting held on 1 May 2024 be confirmed as a correct record and be signed by the Chairman.

14. Chairman's announcements

The Chair welcomed Cllr Ross Trent to the committee and confirmed to the Committee that the meeting scheduled for 3 July will be moving to 9 July in the Lighthouse, due to the timing of the general election.

TPO/E/12/23 3LX Land Adjacent To 104 Broad Street, Ely CB7 4BE

Kevin Drane, Trees Officer presented a report (Z8, previously circulated) recommending confirmation of a Tree Preservation Order (TPO) application for one Himalayan Birch Tree to the side of 104 Broad Street, Ely.

The Trees Officer drew members attention to the representations received, and in particular concerns raised by a neighbour who had received an insurance report which indicated the tree may be causing damage to their property. He confirmed that in addition to representations, the key considerations were the amenity value of the tree, and the visual impact of its loss on the local landscape.

In response to members' questions, the officer confirmed that the Council had received the insurance report, and although queries had been raised about the report, no response had been received. It was also clarified that the roots of the tree had spread laterally but were unlikely to go underneath buildings.

Several members of the Committee expressed their support for the tree which they believed was an attractive addition to the environment. It was proposed by Councillor Brown and seconded by Councillor Wilson to confirm the Tree Preservation Order.

It was resolved unanimously That the TPO/E/12/23 be **CONFIRMED**, for the following reasons: The tree is a prominent feature, visible from the public realm, in good health, it offers a significant visual contribution to the amenity

of the local landscape in this part of Ely where there are a limited amount of trees visible to those using Broad Street.

15. 20/01174/FUM –Mereside Works, 25 Mereside, Soham, Ely Cambridgeshire

Gemma Driver, Senior Planning Officer presented a report (Z9, previously circulated) recommending refusal of an application seeking full planning permission for demolition of existing buildings on the site and the erection of 91 dwelling houses (63 dwelling houses and 28 flats), a ground floor commercial unit for class E use, which includes 193 parking spaces on-site and a children's play area.

The Senior Planning Officer drew members' attention to the update sheets circulated ahead of the meeting and summarised the matters raised within them.

The main considerations for the application were deemed to be:

- **Principle of development** – the site is allocated in the local plan as part of the wider SOH2 allocation. It is within the development framework and the principle of development is considered acceptable. Nonetheless, in accordance with policy SOH2, the site does not appropriately establish a station square setting or relate to the station setting, and does not include have an appropriate building orientation, supply of public open space, landscaping, or allocation of industrial use
- **Market housing mix** - the mix is consistent with policy HOU1 and is considered acceptable
- **Affordable housing** – there is a provision of 13% affordable housing proposed on site, which is below the 30% required by policy HOU3 and below the 20% required by the viability assessment report dated April 2019
- **Design, character and density – overall** the density proposed is not unreasonable, however there are a range of concerns related to the character and design including lack of appropriate frontage to the station and the integration of blocks B and C to the wider public realm.
- **Residential amenity** – the impact on existing neighbouring properties is considered acceptable. However, for future occupiers, there are concerns about overbearing impacts on specific plots, and some inconsistencies between plans as to the impact. Blocks D and E do not provide residents with access to external garden space. Although there are some excessive noise impacts to specific plots from the railway line, these are not deemed sufficient to warrant refusal.
- **Highways, access and movement** – It was confirmed that the internal roads would not be adopted as they do not meet the necessary standards for shared space roads. There is an under provision of parking on the site, which could exacerbate safety concerns if it

resulted in additional on-street parking. There is an unacceptable impact on highway and pedestrian safety.

- **Biodiversity and trees** – there is concern regarding the amount of landscaping proposed to create a high quality public realm, contrary to the natural environment Supplemental Planning Document. Whilst there is biodiversity loss on site, the applicant proposes a net biodiversity gain offsite.
- **Flood risk and drainage** – no objections raised by statutory consultees
- **Historic Environment** – The site is considered to have a neutral impact on the conservation area and is acceptable in respect of policy ENV11
- **Infrastructure and s.106** – a s.106 agreement has not been provided
- **Other matters** – there are inconsistencies between the submitted plans which mean it is not possible to verify if it accords with relevant policies.

The officer concluded their presentation by setting out the reasons why refusal of the application was recommended.

The applicant, Neil Pistol, set out the history of development of the site which received approval for 35 properties in 2017. The agent, Richard Conroy, referred to the history of the current planning application which had been submitted in 2020. Further revisions had been made and submitted to the Council which he felt addressed the concerns with the current proposals before the committee, but had not been accepted by officers. As a result, he requested the committee defer a decision on this application to allow fair consideration of a revised application on the site.

The Chair invited members to ask questions of the applicant and agent.

Councillor Akinwale queried the shortfall of affordable housing on the site and the public space provision. The applicant confirmed the reason for the shortfall in affordable housing was due to following the same guidelines and design parameters used for the previous application allowed on the site. Increasing provision of affordable housing is likely to be unviable. It was expected that the properties would more than exceed the space standards. The agent emphasised the core reason for asking for deferral was the issues with the site limitations which he felt had been addressed through revisions, most notably improvements to open space provision. The applicant identified the limitations including a higher proportion of roadway on site and gas main and waterway course running through the site, and the requirement for flood mitigation. The applicant stated that the later iterations address the concerns in relation to the public space.

Councillor Trapp queried the provision of parking on site, and the agent confirmed it would be possible to provide electric charging points through conditions. The agent also confirmed although provision of industrial space on site had been considered, it was not felt consistent with the site allocation.

Councillor Lay queried the level of affordable housing in the revised application; the agent confirmed that a minimum of 20% affordable housing will be delivered and the applicant was in discussion with a housing developer for the affordable housing provision.

Councillor Huffer asked a query about whether the revised plans addressed the concerns regarding highways adoption, and whether the housing density could be lowered to improve site amenity. The agent confirmed they would assess all options on site

In response to Councillor Wilson, the applicant confirmed that due to the financial costs of submitting a new application, they had elected not to withdraw the application and instead seek deferral by the Committee.

The Interim Planning Manager confirmed that the applicant had been given the option to withdraw and had been asked if the additional plans were to be subject to re-consultation but were not given the affirmative, the last formally submitted set of plans had been reconsulted upon. There is no obligation on the planning authority to accept revised plans. He confirmed that a viability assessment had not been re-undertaken in relation to the affordable housing element as there were other aspects of the application that could not be supported and addressed matters raised by the applicant and agent that were not material planning considerations. He confirmed that the allocation policy provided up to approximately 90 dwellings and 0.5 ha minimum office industrial.

Members asked questions of officers. In response to Councillor Akinwale, officers confirmed that electric and disabled parking could be dealt with through conditions and following a query from Councillor Lay, that the potential impact of the train line on residential amenity had been considered and could be adequately mitigated. Councillor Trapp queried the housing allocation, and it was clarified that the 91 home allocation in policy SOH2 applied to both this site, and the element of the allocation in separate ownership, but that would not prevent further development on either site. The housing service had confirmed the need for affordable housing and were satisfied with the housing mix proposed. If the application was deferred, then there would need to be a clear rationale for doing so.

In debate, members raised a range of concerns about the proposals before them, most notably in relation to the affordable housing provision and the site design and layout. Councillor Huffer proposed refusal for the reasons set out in the report, which was seconded by Councillor Wilson.

It was resolved with 9 votes in favour and 1 abstention

That the planning application 20/01174/FUM is **REFUSED** for the reasons set out in paragraphs 1.2 to 1.9 of the planning committee report

16. 23/01338/OUM - Land At Cambridge Road, Stretham Cambridgeshire

Andrew Phillips, Planning Team Leader, presented a report (Z10, previously circulated) recommending approval of an application seeking outline planning permission for the erection of up to 83 affordable homes with associated access, parking and landscaping with all matters reserved except for access.

The Planning Team Leader reminded members that the site already had planning permission, but this scheme was larger than previous approvals. The committee had previously considered the application in April 2024 but had requested deferral to allow for the conclusions of an independent transport report to be considered. The report, produced by Stantec, had been appended to the agenda and appeared to suggest that a controlled crossing would be more suitable on the site and the footway provision could be improved.

Officers identified the site will require a road safety audit and discussion between the developer, local planning authority and the highways authority to determine the final scheme. As a result, the recommendation was to defer the application to allow an acceptable highways scheme to be agreed, and if it could not, then to delegate officers to refuse the application.

The Interim Planning Manager confirmed members were also being requested to ensure any other concerns they held regarding the application were considered at the meeting to so as not to waste time/resource and expense to all parties should the application be unacceptable in principle further down the line.

The planning agent, Chris Frost, addressed the meeting. He noted that the Stantec report did not conclude the current highways solution is unacceptable, and some of the points raised in the Stantec report, such as land ownership, had been resolved. Cambridgeshire County Council, as highways authority, had indicated the existing highways scheme was acceptable. However, the housing association bringing forward the application was keen to explore the potential of a controlled crossing, and the highways authority had agreed to consider it. As a result, proposals were being worked up and will be submitted if they are supported by the highways authority. He was hopeful that the situation could be resolved by August and would not need the six months.

The chair invited members to ask questions of the Agent. Councillor Wilson queried the siting of the crossing, and whether any restriction could be put in place to ensure those exiting the development could only turn left. The siting was clarified, and the Agent explained the highways authority believed that a right turn was acceptable out of the development, and he could not propose solutions which were unacceptable to the highways authority.

Councillors Lay and Huffer raised concern as to whether the highways authority would support the crossing and ensure approval of the design is progressed on a timely basis. The agent confirmed the applicant was

committed to making the crossing happening but ultimately it was down to the highways authority.

Councillors Akinwale queried whether a speed camera could be placed near the site, and Councillor Trapp confirmed the speed of the road before he queried whether the Agent could request the parish council to support this with the applicants funding the camera. The Agent confirmed there were limitations to what the applicant could do, but ultimately if there was a controlled crossing installed this would be accompanied by other traffic slowing measures. Officers clarified that the road safety audit would look at potential measures.

The Chair noted that many of the letters of support appeared to have very similar content and queried how the social housing need had been calculated. The Agent indicated that social media was used to attract people to supporting the application and confirmed how the social housing need had been determined.

Councillors Goodearl, Lay, Trapp and Huffer made clear their expectation that if the highways authority refused to support the controlled crossing, then they should be expected to come to committee to justify their position. This was widely supported across the committee and officers agreed to strongly urge highways authority officers to attend if this situation arose, and for this position to be reflected in the minutes. It was also confirmed that if the process took longer than six months to resolve then an update report could be presented to the Committee.

In debate, the Chair noted that it was clear that there was concern about the road and the need for a crossing, and the potential implications if a crossing was not put on the site.

Councillors Trapp, Whelan and Akinwale raised concerns about the data used to support traffic assessments on the site, and the need for clarity on traffic movements. Councillor Whelan shared experiences of using the road regularly.

Councillor Trapp proposed, and Councillor Akinwale seconded to defer the application in line with the officer recommendation.

The Interim Planning Manager requested the committee confirm that they were satisfied with other matters material to the outline application. There was consensus across the committee that this was the case, albeit the committee agreed that if the outline application was approved, reserved matters should be brought to it for approval.

It was resolved unanimously:

That the planning application 23/01338/OUM be **DEFERRED** in accordance with the following terms:

- a) In order to allow the submission, formal consultation and presentation of an acceptable highways scheme at Planning Committee within a period of 6 months and
- b) The Committee delegates authority to refuse the application in the event that the Applicant does not agree any necessary extensions to the statutory determination period to enable the completion of the works set out under a) and final determination of the application
- c) That the reserved matters to come back before committee for approval (if the outline application is approved)
- d) That the planning committee do not have concerns relating to other aspects of the outline application before them

17. Planning performance reports – April 2024

David Morren, Interim Planning Manager, presented a report (Z11, previously circulated) summarising the performance of the Planning Department in April 2024.

Councillor Trapp noted that the small text on some presentations made it hard for Councillors and the public to review the information. Officers committed to reviewing how the information could be presented in future.

It was resolved unanimously:

That the Planning Performance Reports for April 2024 be noted.

The meeting concluded at 4:18pm.

Chairman.....

Date.....