

Minutes of a Meeting of the Planning Committee

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 2:00pm on Wednesday 4 December 2023

Present:

Cllr Christine Ambrose Smith

Cllr David Brown (Vice Chair)

Cllr Lavinia Edwards

Cllr Martin Goodearl

Cllr Bill Hunt (Chair)

Cllr Alan Sharp

Cllr John Trapp

Cllr Ross Trent

Cllr Christine Whelan

Cllr Gareth Wilson

Officers:

Kevin Drane – Trees Officer
Holly Durrant – Senior Planning Officer
David Morren – Interim Planning Manager
Cameron Overton – Trainee Democratic Services Officer
Olivia Roberts – Planning Officer
Dan Smith – Planning Team Leader
Angela Tyrrell – Senior Legal Assistant

In attendance:

Kath Slater (Agent, Agenda Item 6 / Minute 52)
Parish Cllr Mark Robinson (Parish Council, Agenda Item 6 / Minute 52)
Mike Walker (Applicant, Agenda Item 7 / Minute 53)
Jack Gandy (Applicant, Agenda Item 7 / Minute 53)

6 other members of the public

Sarah Parisi – Development Services Senior Support Officer Melanie Wright – Communications Officer

47. Apologies and substitutions

Apologies for absence were received from Cllr Chika Akinwale.

48. Declarations of interest

Cllr Christine Ambrose Smith declared herself to be predetermined on Agenda Item 5 (TPO/E/06/24, 22 Victoria Street, Littleport, Ely) and would leave the meeting for the duration of the item.

Cllr David Brown declared that as he had not previously been on the site relating to Item 5 (TPO/E/06/24, 22 Victoria Street, Littleport, Ely), he would not take part in discussions, nor voting on the item.

Cllr Alan Sharp declared himself to be predetermined on Agenda Item 6 (22/00039/RMM, Site East of Clare House Stables, Stetchworth Road, Dullingham, Suffolk) and after addressing the Committee would leave the meeting for the remainder of the item.

49. Minutes

The Committee received the Minutes of the meeting held on 6th November 2024.

It was resolved unanimously:

That the Minutes of the Planning Committee meeting held on 6th November 2024 be confirmed as a correct record and be signed by the Chairman.

50. Chair's announcements

The Chair made the following announcements:

- David Morren was to assume the permanent role of Strategic Planning and DM I Manager, effective January 1st, 2025.
- Holly Durrant had been promoted from Senior Planning Officer to Major Projects Officer, effective January 1st, 2025.

51. TPO/E/06/24 – 22 Victoria Street, Littleport, Ely.

Kevin Drane, Trees Officer, presented a report (Z113, previously circulated) recommending approval to confirm a Tree Preservation Order E/06/24.

Members were informed of the following considerations:

- The property owner was not against the TPO.
- Though amenity value was subjective, the tree was clearly visible from the street view.
- The wall had moved out of alignment.
- Confirmation of the TPO did not prevent reasonable pruning of the tree but did prevent a significantly sized tree from being felled.

A statement written into the Council by the property owner was read out by Democratic Services:

"Dear Committee,

"We are writing to set our position in relation to the Horse Chestnut tree in our garden being made subject to a Tree Preservation Order.

"In principle, we do not consider this to be an issue. However, our concern for this is around the dangers and safety it poses on our boundary wall, safety of the public, safety of my family and neighbouring properties.

"The tree has been pollarded in the past and has many unions, which I have been informed by a tree surgeon is of concern, due to the size of the tree and water damage to the tree. The tree towers over the ridge line of the properties which also weakens the unions, again placing members of the public and my family at risk. The tree is pushing up against our boundary wall, to the point where the wall is severely cracked and has required several repairs.

"Our application for removal/pollard was submitted several months ago due to the risks identified. I am concerned that this delay in a decision being made about the tree has prevented our ability to make it safe.

"Please can we be informed of the outcome of this as a matter of priority so that we can take the necessary steps to make the tree safe."

The Trees Officer informed Members that he had previously responded to these concerns earlier in the year, but clarified that:

- There was no evidence of decay or structural damage within the tree.
- The tree had been pollarded, but many trees had been pollarded without issue.
- Water acted as a natural barrier within the tree to fight against fungi and infection.

Cllr John Trapp queried the cause of another tree on the same property previously dying. The Trees Officer informed Members that the tree had been approved for re-pollarding and due to the size of materials used, the shock may have caused it to die.

Cllr John Trapp further noted close proximity of the tree to a telephone cable, to which the Trees Officer confirmed constituted cause for reasonable pruning.

The Trees Officer stated the approximate age of the tree to be between 150 and 200 years old, when asked by Cllr Christine Whelan.

In discussion with Cllr Martin Goodearl, the Trees Officer confirmed there had been no reports of accidents relating to conkers; the removal of dead wood

did not require permission and where pruning was required to alleviate a legal nuisance, it may be granted in a week or less.

Cllr John Trapp questioned if there were any concerning legal implications for the Council relating to the damaged wall. The Trees Officer noted that there was not 100% certainty and would depend on the condition, but that building control had assessed the wall and deemed there to be no risk.

The Chair invited debate

Members noted their confusion of any issue of safety in relation to conkers, as they were naturally occurring, and prevalent throughout the United Kingdom.

Cllr Gareth Wilson proposed approval on the Officer's recommendation, seconded by Cllr Alan Sharp.

It was resolved unanimously:

That TPO/E/06/24 be confirmed, on the grounds set out in report Z113.

52. 22/00039/RMM – Site East of Clare House Stables, Stetchworth Road, Dullingham, Suffolk.

Holly Durrant, Senior Planning Officer, presented a report (Z114, previously circulated) recommending approval of details for reserved matters for appearance, landscaping, layout and scale of planning application 18/01435/OUM.

The Senior Planning Officer presented slides, including site location, photos and the proposal.

The main considerations for the application were deemed to be:

- Site Layout Policy compliant levels of parking; accessible public open spaces, in excess of policy requirements; development layout and scale arranged to safeguard views of St Mary's Church; site-wide surface water drainage strategy.
- Appearance and Scale Mixture of single and two-storey dwellings; contemporary design; eight house types throughout the scheme for variety; chimney stacks incorporated for visual interest.
- **Landscaping** comprehensive landscaping and biodiversity enhancement; creation of green corridors; tree lined streets; complied with landscaping and biodiversity parameters established.
- Other Material Considerations all other matters were assessed within the Committee Report, all were found to be acceptable.

In summary, Members were recommended to approve for the reasons set out within report Z114, the Update Sheet and the Officer's presentation.

The Chair invited agent, Kath Slater to address the Committee:

"Members will be aware that outline planning permission was granted in 2020 for a development that would deliver up to 41 new homes and 250 square metres of employment and community use and open space. It was approved by Committee at the time with a majority vote of 10 to 1 and was subject to a section 106 agreement, which secured affordable housing homes for over 55s, public open space and secondary school contributions. The principle of development, as you've just heard from your officers, has been established.

"You are being asked today to consider reserved matters in respect of the residential and open space elements only of this scheme, as well as a range of matters required by condition to be dealt with at the same time. Details of the commercial element, beyond the location within the site does not form part of this application.

"This proposal will deliver 41 new homes, to meet a range of housing needs, which comprises 12 affordable homes, 29 market homes, of which 6 are bungalows for the over 55s. Your strategic housing team supports the application and advise that the proposed affordable housing mix will meet the required ten-year split and the housing needs of those in Dullingham and the wider District.

"As you would expect, the sites topography and setting has informed the site layout and design. The mix of single and two-storey homes and a range of different housing types are proposed, which respect rising ground levels and views of St Mary's Church in particular. Your Officer Report is clear that the proposed design and layout limits the harm to the Church when viewed from a public right of way through the site. Any impact on its setting and significance is no greater than that considered and accepted at the outline planning stage.

"The proposal will provide a substantial amount of open space, over and above the policy requirement. In total, over 1.8 hectares of open space is proposed; 72% of which will be publicly accessible meadowland and a new orchard. The remaining open space forms part of the drainage strategy providing surface water attenuation. Such a large area of open space contributes to the setting of the development, enhances the site's biodiversity, protects the existing footpath and provides recreational opportunities, benefitting the health and well-being of new residents and the wider community.

"Careful consideration has been given to the design and layout, to protect adjacent neighbours. Your officers are clear that the proposed mix of house types and variation in scale, orientation and garden sizes, ensures there will be no adverse impact on residential amenity, either for existing neighbours or for new occupiers of this development.

"You will be aware of concerns relating to traffic and highway safety. It is important to note that the access and quantum of development was assessed and accepted as part of the outline planning application. No object is raised by

either the Local Highway Authority or the Local Lead Flood Authority, with respect of the proposed drainage strategy.

"I ask Members to give full consideration to the fact that this is a site which benefits from outline planning permission to the evidence; to the evidence base which informs the technical issues; to the contribution this site will make to delivering a variety of homes in a landscape setting, with access to new areas of open space; enhancements to biodiversity; and the protection of view to St Mary's Church as well as the existing footpath. With this in mind, I ask Members to accept their officer's recommendation today to support the application.

"Thank you very much for your time"

There were no questions from Members to the agent.

The Chair invited Cllr Mark Robinson from the Dullingham Parish Council to address the Committee.

"A significant proportion of the roads in this proposal are shown as private drives, 5 metres wide.

"Highways have advised that the minimum width on an unconstrained site, which this clearly is, should be a minimum of 5.5 metres and should have a footpath.

"With no pavement children, prams and those with mobility issues will have to compete with vehicles and the direct route to the school will be unsafe.

"NPPF relates to 'promoting sustainable transport' and states 'opportunities to promote walking, cycling and public transport uses are identified and pursued; they should create places that are safe, secure and attractive – which minimises the scope for conflicts between pedestrians, cyclists and vehicles, allow for the efficient delivery of goods, and access by service and emergency vehicles'

"Further, the Local Policy COM 7 also states that applications are to:

'Provide a comprehensive network of routes giving priority for walking and cycling' and 'consider the travel and transport needs of people with disabilities'

"The plans priorities vehicle usage, they fail the NPPF and COM 7 and they are also, we believe, discriminatory.

"These issues also have major wide-reaching financial implications. If the roads cannot be adopted, the residents would have to pay to maintain the roads themselves. This is clearly at offs with the term 'affordable housing' as 33% of this element is located on 'private drives' and any additional charge is clearly a cost that would not be expected, or could possibly be met.

"The Waste Development and Support Team letter stated ECDC policy is:

'the maximum distance a resident should have to take a wheeled bin to
the collection point as 30 metres'

"For some dwellings, the distances in the plans to adopted roads are closer to 90 metres and typically about 60 metres or more.

"The renewable Energy and Water Consumption submission, January 2022, was reprinted as their Sustainability Statement and redacted April 2024. But, incredibly, during that period, no actual environmental plan has been produced. Badly lacking detail and scope, it fails to mention any green initiatives.

"The applicant's Sustainable Drainage Maintenance Plan states the entire scheme of drains, driveways and ponds will be maintained by a private company monthly, plus other works. Critically, this simple statement gives no indication of the potential scale of cost and is not compatible with affordable housing as this will be funded through service charges.

The Housing Officer letter states this plan would be acceptable if the development delivered the stated level of affordable housing.

"The issues regarding non adoptability of roads and unquantified service charges for roads, drainage and sprinkler systems call in to doubt the viability of any affordable housing on this site and that would make this development unacceptable according to the ECDC's own officer.

"The outline approval is clear where it states that sufficient and detailed information must be submitted by the latest date with the first reserved application. This has not happened, and it is therefore not in accordance with the conditions of that consent.

"We may now hear suggestion how these points could be dealt with, but this is an application for a major development 6 years since it started and 4 years since outline was granted and this application should be decided on the submitted information, not on hopeful expectation or wishful thinking. Lack of detail and the potential problems that exist are unacceptable. The application leaves a number of important issues that have not been addressed.

"As this application is a major development and given the anomalies it contains after so much elapsed time, we ask you to refuse it.

"If you are minded to approve this application, we kindly request that: The affordable element should be provided in perpetuity; and the affordable houses are protected from all the service charges.

"Finally, the business units proposed operating times are totally outside of the normal working hours and we ask that they are aligned with the construction times as per ENV2. Would you find it acceptable to live next to new industrial units that can work extended hours up to 11pm, as some residents will?"

Following questioning from Cllr John Trapp, Cllr Mark Robinson clarified that the Parish Council believed there to be hidden costs to homeowners in maintaining unadopted roads and paying for maintenance with regards to flooding on the site.

Cllr Bill Hunt sought clarification on whether there were footpaths. Cllr Mark Robinson informed Members that there were footpaths proposed on the site, but that there were no footpaths running along the edge of the road into the village of Dullingham.

The Chair invited Cllr Alan Sharp to address the Committee.

"Thank you Chair

"I would like to go back and give a bit of history to this matter. We are in a situation where this site has outline consent. I disagreed with that at the time, and I probably still do, but we are where we are.

"We ended up with two planning meetings over this back in 2019: one on the 7th of August and one later in 2019. Outline consent was given on the 5th of February 2020. It took the developers nearly two years, until the 26th of January 2022, to actually submit the reserved matters – just in time. Since then, we have had nearly 3 years of amendments. If you look at the portal, the number of amendments we have had, and the amount of amendments we had in the outline of consent, this has not been conducted very fast.

"I go on to specifics I want to mention.

"Yes, outline consent is there, but it does not mean we accept. I voted against something in this chamber 3-4 months ago, where something had outline consent. I did not think the reserved matters met standards; therefore, I voted against it.

"Surface water drainage has been an issue and I think the developer is saying they will try to get rid of it through permeable surfaces on driveways.

Obviously, there needs to be a condition which is there in perpetuity because if those driveways are tarmacked over that will be an issue.

"Energy: they mention energy in paragraph 7.60 on page 98. There is no mention of solar panels and I have not seen anything on the diagrams of the houses to show that.

"As Cllr Robinson says, I have had a map from highways showing what they are going to adopt, there is a cul-de-sac which is not being adopted. What that will do in terms of waste collection, I don't know. But obviously they have got outline consent, so as a community we need to see what we can do to make this work.

"There are affordable homes on this site and I certainly would like Members to consider having a local connection covenant put into the consent, whereby

they are for people with a connection to Dullingham. Certainly, Dullingham is a village where some of the house prices are very high and youngsters who grow up in the village cannot stay in the village. So, if we are going to have this development of 41 homes, then we need to use it for some benefit to members of the community. There was a public meeting going back 3 or 4 years, where there was a lot of opposition to this site, but there were members of that community who were saying 'if we can get affordable homes for people to stay within the community then that is a massive plus point'.

"In the Section 106 agreement, p67, it mentions secondary school contributions to Bottisham Village College, which I am on the board of governors for. We are currently oversubscribed; I don't know how the contribution will help the secondary school.

"I know commercial accommodation is not part of this application, but I am interested in the opening hours when it comes forward, however that is decided. It is in a residential area, so we need to consider that as well.

"When a housing association is decided upon, I would like as the local Member to be involved in securing the affordable units for local people.

"Thank you"

Cllr John Trapp queried whether Cllr Alan Sharp felt the proposal represented overdevelopment. Cllr Sharp confirmed he did.

The Chair invited comments from officers.

The Interim Planning Manager clarified the following:

- The Section 106 agreement had already been signed.
- Within the NPPF definition of affordable homes, it was clear that management charges were something expected to be subject to potentially, so could not be taken into consideration.
- Within the Section 106 agreement there was a drop-down system with regards to the management companies and it would be first offered to the Parish Council and as a last resort to a professional management company.

The Senior Planning Officer clarified the following:

- Footpaths and access had been agreed through the outline agreement.
- With regards to access for waste vehicles, there were measures in
 place to provide details of an indemnity to the Local Planning Authority,
 should it transpire that the roads were not adoptable. However, there
 was a requirement that roads were built to an adoptable standard, as
 part of the planning conditions.
- SuDs maintenance was payable to the Council or Parish as part of the legal agreement.
- Net density was 15 dwellings per hectare, which was comparable to developments to the south.

- With regards to the number of changes to the application, the Local Planning Authority had previously restricted the time limit on reserved matters consent, which gave them 2 years, rather than 3 years to prepare the submission.
- With regards to affordable housing, a cascade was not possible but there were nomination agreements which does provide some degree of priority weighting to local people.

The Senior Planning Officer pointed out which roads were to be adopted and which were not; the Senior Planning Officer further confirmed that waste was to be collected from outside of properties.

When queried by Cllr Gareth Wilson it was noted that the SuDs Pond was not to be fenced off and did not form part of the publicly accessible space.

Cllr Martin Goodearl sought clarification on whether there was a chalk stream and if so, what protections were in place. The Senior Planning Officer informed Members that there was no formalised drainage to the existing ditch, but that the drainage strategy was addressed through permeable surfacing and a SuDs Pond, which provided pollution control. There were conditions relating to foul drainage, septic containments and negligible impacts on the stream.

In discussion with Cllr Christine Ambrose Smith, the Senior Planning Officer stated that a secondary contribution scheme had been agreed at outline stage, paid to the County Council to mitigate any additional pressure on the secondary school. Further, matters of highway access had previously been agreed at outline stage.

Cllr Gareth Wilson questioned who would manage the affordable housing. It had not been finalised at this stage.

Cllr John Trapp noted that the Parish Council had concerns around flooding to Stetchworth Road and queried the timescale of water release. The Senior Planning Officer informed Cllr Trapp that the site had existing discharge, but rates and timescale could not be given. It was then confirmed by Officers that drainage occurred at an approximate rate of 6.4 litres per second.

Cllr Christine Ambrose Smith proposed approval on the Officer's recommendation with the use of permeable paving in perpetuity, to be conditioned. Seconded by Cllr Martin Goodearl.

It was resolved with 7 votes in favour, 1 vote against and 1 abstention:

That planning application ref 22/00039/RMM be APPROVED on the grounds set out in report Z114 and the Update Sheet, with the use of permeable pavement remaining in perpetuity, to be conditioned.

53. 24/00340/RMM – Land Adjacent to 43 Mepal Road, Sutton, Cambridgeshire.

Holly Durrant, Senior Planning Officer, presented a report (Z115, previously circulated) recommending approval of reserved matters for layout, scale, appearance and landscaping of 164 dwellings (excluding self-build plots), internal roads, parking, open space, landscaping, sustainable urban drainage and ancillary infrastructure pursuant to 19/01707/OUM.

The Senior Planning Officer presented slides, including site location, photos and the proposal. It was explained that this Item had been brought before Committee in line with conditions agreed at outline stage.

The main considerations for the application were deemed to be:

- Layout Very similar layout to 22/00507/RMM, previously approved; small clusters of 9-17 dwellings arranged around a main spine road; average density of 16 dwellings per hectare; RECAP compliant; policy compliant vehicle and cycle parking for each property.
- Appearance and Scale Acceptable in accordance with development plan; palette materials identical to 22/00507/RMM; chimneys provided; predominantly two-storey.
- Landscaping Tree lined avenues; SuDs Pond, swales, play areas, recreational routes; hedgerow and woodland management and creation scheme to be secured via condition for longevity.
- Other Material Considerations Noise mitigation in the form of landscaped bund, orientation of dwellings, secondary first floor windows; three dwellings reliant on mechanical ventilation to aid in reaching acceptable levels of noise. All other matters found within report, all found to be acceptable.

In summary, Members were recommended to approve for the reasons set out within report Z115, the Update Sheet and the Officer's presentation.

The Chair invited Mike Walker and Jack Gandy to address the Committee.

"Good afternoon and thank you for the opportunity to address you today.

"Firstly, we support the Officer's recommendation and commend that to the Committee. There is an extant outline and reserved matters application. This reserved matters is ostensibly a change in house types to meet future home standards, making the scheme of a much more sustainable development and to meet future building regulations as we progress through the site, which the extant consent wouldn't accord with.

"The scheme is reflective of the first reserved matters and the extant outline consent. This is a change to future home standards, including: solar panels, electric vehicle charging, higher insulation standards, air source heat pumps through the scheme which has brought about this application.

"The Section 106 elements throughout the outline; the contributions and requirements therein stay the same through this reserved matters application. This includes extensive POS areas, the laps, the leaps, sports pitches, the provision of the burial ground, education contributions and the like. Nothing changes.

"The development will reflect that of the phase 1 scheme previously constructed by Linden, or part of the Vistry group as we now are. Materials and appearance will be cohesive and reflective of this part of Sutton, and in particular the scheme that's gone beforehand.

"For clarity, the foul water system on site is to be adopted by Anglian Water, that is in train. Surface water: the SuDs system is to be adopted by Anglian Water. The LLFA have approved the scheme. Highways are to be adopted, with limited areas of private drives, as you would expect. Off-Site Highway Works: we are in a stage of anticipation, with the extant consent with progress matters with the County Council; we are awaiting engrossments for the works off Mepal Road and offsite works to Witchford and Sutton main roundabout; road space is to be booked and we anticipate being able to get on site in March 2025.

"The housing association for the site is Home Group and their nominations for the site will accord with the Section 106 agreement.

"Simplistically, Vistry supports the Officer's recommendation and commends it to this Committee.

"Thank you for your time, I'm happy to take any questions."

When queried by Cllrs Martin Goodearl, Gareth Wilson and Christine Whelen, Mike Walker clarified:

- Completion of the sports pitches was conditioned in the Section 106 agreement.
- That the pitches were to be built and thereafter handed over to the community.
- The pitches were not to be built to a professional sports standard.
- Other play areas, which were accessible and fit for purpose, were going to be present.

Mike Walker clarified that the Vistry Group's business model had been employed elsewhere, with success, when asked by Cllr John Trapp.

Cllr Christine Ambrose Smith asked whether investigations had been undertaken to ascertain if the burial grounds were fit for purpose, and if a burial ground was an identified need. Mike Walker confirmed tests had been undertaken and that there must have been an identified need.

Cllr Alan Sharp asked if the private driveways were effectively private roads. Mr Walker stated that they were right of way, but broadly yes.

With regard to the burial grounds, the Senior Planning Officer informed Members that there were conditions in the outline consent, requiring the land to be investigated prior to works commencing.

Members noted their concerns surrounding the proposed tandem parking on site.

Cllr Martin Goodearl proposed approval on the Officer's recommendations and the information provided in the update sheet. Seconded by Cllr Christine Ambrose Smith.

It was resolved with 9 votes in favour and 1 abstention:

That planning application ref 24/00340/RMM be APPROVED on the grounds set out in report Z115 and the Update Sheet.

54. 24/00892/FUL - Clovelly, 116 Ashley Road, Newmarket

Olivia Roberts, Planning Officer, presented a report (Z116, previously circulated) recommending approval of an application seeking the demolition of a 2-bed dwelling, replaced with a 3-bed dwelling.

The Planning Officer presented slides, including site location, photos and the proposal

The main considerations for the application were deemed to be:

- Principle of development The application site was located within the development envelope for the Newmarket Fringe. The proposed development was therefore considered to comply with Policy GROWTH 2 of the Local Plan, subject to all other material planning considerations being satisfied.
- Character and Appearance The form and roof line of the dwelling
 would extend from the adjoining property with an eaves and ridge
 height to match the existing. The footprint and scale of the dwelling
 was considered to be acceptable and not out of keeping with the wider
 street scene. The proposal was not considered to amount to an
 overdevelopment of the site.
- Residential amenity The positioning of the dwelling within the site
 was considered sufficient to prevent harmful overbearing. The nature
 and placement of the openings to the side of the dwelling was
 considered sufficient to prevent overlooking towards the neighbouring
 property.
- Other matters Highways, Access and Parking: the proposal utilised existing access and provided a driveway to the front of the site, of sufficient size to provide parking for two vehicles; Ecology and Trees: the proposal was considered to have an acceptable impact on trees and ecology.

In summary, the proposals were considered to have an acceptable impact on the character and appearance of the semi-detached pair and wider street scene, in accordance with policies ENV 1 and ENV 2 of the Local Plan. The proposals were considered to have an acceptable impact on all other material considerations, including residential amenity and highway safety. Therefore, Members were recommended to approve this application.

The Interim Planning Manager pointed out the location of additional roof lights, when asked to do so by Cllr John Trapp.

Members jointly commended the applicant and Planning Department on a successful design.

Cllr Christine Ambrose Smith proposed approval on the Officer's recommendation. Seconded by Cllr David Brown.

It was resolved unanimously:

That planning application ref 24/00892/FUL be APPROVED, on the grounds set out in report Z116

55. Planning performance reports - October 2024

David Morren, Interim Planning Manager, presented a report (Z117, previously circulated) summarising the performance of the Planning Department in October 2024.

It was resolved unanimously:

That the Planning Performance Reports for October 2024 be noted.

Chair	 	
Date	 	

The meeting concluded at 16:25pm.