



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

AGENDA ITEM NO 3

Minutes of a meeting of the Planning Committee held at 2:00pm on 1st February 2023 in the Council Chamber at The Grange, Nutholt Lane, Ely, CB7 4EE.

PRESENT

Cllr Christine Ambrose Smith
Cllr David Ambrose Smith (Substitute for Cllr Liz Every)
Cllr Charlotte Cane
Cllr Lavinia Edwards
Cllr Julia Huffer (Substitute for Cllr Lisa Stubbs)
Cllr Bill Hunt (Chairman)
Cllr Alec Jones
Cllr John Trapp (to the end of Item 7/Minute 68)
Cllr Gareth Wilson

OFFICERS

Simon Ellis – Planning Manager
Maggie Camp – Director Legal Services
Kevin Drane – Trees Officer
Caroline Evans – Senior Democratic Services Officer
Richard Fitzjohn – Planning Contractor
Toni Hylton – Planning Team Leader
Anne James – Planning Consultant
Angela Tyrrell – Senior Legal Assistant
Hannah Walker – Trainee Democratic Services Officer
Adeel Younis – Legal Assistant

IN ATTENDANCE

Parish Cllr Nick Bennett (Parish Council, Agenda Item 6 / Minute 67)
Malcolm Daines-Smith (Applicants' Agent, Agenda Item 6 / Minute 67)
Martin Lott (Applicant, Agenda Item 8 / Minute 69)
Gabrielle Rowan (Applicants' Agent, Agenda Item 8 / Minute 69)
Michael Smith (Applicants' Agent, Agenda Item 7 / Minute 68)

5 other members of the public.

Annalise Lister – Communications Manager
Sarah Parisi – Planning Senior Support Officer

62. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Cllrs Sue Austen, David Brown, Liz Every and Lisa Stubbs.

Cllrs David Ambrose Smith and Julia Huffer were attending as substitutes.

63. DECLARATIONS OF INTEREST

Cllr Huffer stated that she was predetermined on Agenda Item 6 (Land Northeast of 37 and 38 High Street, Chippenham) and stated that she would speak as Ward Councillor and then leave the meeting for the remainder of that item.

64. MINUTES

The Committee received the Minutes of the meetings held on 30th November and 7th December 2022.

Cllr Christine Ambrose Smith indicated that in Minute 49 (30th November meeting: Terence Place, Fordham, 16/01551/OUM and 18/01067/RMM), page 4 last paragraph, her name was not included within the short list of Councillors who “expressed their agreement”, although it was subsequently correctly recorded that the resolution was unanimous. There were no objections to this small alteration.

It was resolved:

That the Minutes of the Planning Committee meetings held on 30th November and 7th December 2022 be confirmed as a correct record, subject to the inclusion of Cllr C Ambrose Smith’s name in the final paragraph of Minute 49, and be signed by the Chairman.

65. CHAIRMAN’S ANNOUNCEMENTS

The Chairman welcomed Cllr Charlotte Cane to the Planning Committee for her first meeting as a full member rather than as a substitute member.

66. TPO E/07/22 – 120 CENTRE DRIVE, NEWMARKET, CB8 8AP

Kevin Drane, Trees Officer, presented a report (X143, previously circulated) recommending confirmation of a Tree Preservation Order (TPO) E/07/22 for six lime trees in the garden of 120 Centre Drive, Newmarket. This had been referred to the committee for decision due to the objections received within the 28 days consultation period, which ended on the 10th October 2022, and for the requirement to confirm the TPO within six months to ensure the trees were protected for public amenity.

Members were shown a location plan, site plan, and aerial images showing the six trees and their proximity to other protected trees including a protected woodland to the immediate south of the site, as well as the historic avenue of which they were a part. An 1888-1913 Ordnance Survey map of the line of trees provided evidence for them being over 100 years old. All six trees were the same age and all potentially had a further 300 year life expectancy. Photographs were provided to show that trees T1 to T3 had been pollarded, whereas trees T4 to T6 had been left to grow and had reached heights of approx. 18-20m.

The key points for consideration were the objection to the TPO from the tree owner in Appendix 1 of the report, the amenity value of the trees, and the visual impact of the trees within the local landscape.

No detail had been provided in the objection. In terms of amenity, the trees were visible to neighbouring residents and from the public highway creating a significant visual impact and contribution to the local landscape in the location, and they provided a wildlife habitat. Each tree had been assessed relating to its current condition as part of the TPO process, and there were no visible indications that any of the trees were in poor health. The un-pollarded trees had a natural shape that had been unaltered by pruning with no defects visible. The pollarded trees could also be retained for hundreds of years with suitable management. The trees were not previously protected and had been assessed following multiple enquiries relating to the possible removal of the trees by arboricultural contractors and the subsequent Trees Officer's visit to site.

The Officer considered that the TPO should be confirmed in order to support the amenity value of the trees. If confirmed then the Council could consider future tree work applications and approve or refuse the proposed work depending upon circumstances. If the TPO was not confirmed then the Council would be unable to prevent the total loss of the trees.

The Chairman invited Members to ask questions of the Trees Officer. Cllr D Ambrose Smith mentioned the suitable management for the future of the trees and asked who would be responsible for this. The Trees Officer confirmed that the trees were the responsibility of the tree owner, and that they had a legal duty of care. East Cambridgeshire District Council (ECDC) had no authority to enforce any tree pruning but did provide free advice.

Cllr Hunt asked for confirmation that the Officer had been alerted to the trees due to contact received from tree surgeons. The Trees Officer explained that because there were no online plans of protected trees, members of the public and tree surgeons contacted the Council with any queries. He had received two enquiries from contractors about these six trees, which had prompted him to investigate further.

Following a query from Cllr Trapp, the Trees Officer confirmed that the description of the location for T4 would be amended to be between T3 and T5.

Cllr Jones questioned whether the TPO could be removed at a later point and asked for further information about the pollarded trees. The Trees Officer explained that the TPO would only be removed if all of the trees were felled, but individual trees could be removed from the TPO for approved development purposes since planning consent would override a preservation order. He also explained that the pollarded trees would return to a more natural shape in approximately 20 years' time if left.

The Chairman then opened the debate. Cllr C Ambrose Smith sympathised with the land owner and his objection but was also persuaded by the historical reference of the trees. Cllr Trapp proposed that the TPO be confirmed, in line with the Officer's recommendation. Cllr Wilson seconded the proposal and remarked that the location plans appeared confusing as the land behind the six trees under consideration had no substantial trees, potentially allowing ability to build behind them. Cllr Jones agreed with the Officer's recommendation and said it would be a shame to lose the trees. Cllr Cane added that the site visit and photographs had clearly shown the avenue of trees following the road and it was important to retain

the six trees for that reason. In addition, the trees formed an extension of the wooded area into the housing area and were also important for that reason.

It was resolved with 8 votes in favour, 0 votes against, and 1 abstention:

That tree preservation order ref TPO/E/07/22 be APPROVED (subject to a minor amendment of the location description for tree T4) due to the trees being a prominent feature, visible from the public realm, in good health, offering a significant visual contribution to the amenity of the local landscape in this part of Newmarket and being a historical remnant of the former land use when they lined the estate railway line.

67. **21/01255/RMA – LAND NORTHEAST OF 37 AND 38 HIGH STREET CHIPPENHAM**

Toni Hylton, Planning Team Leader, presented a report (X144, previously circulated) recommending approval of a reserved matters application in respect of layout, access, appearance, scale and landscaping for five new detached dwellings. Outline permission had been refused for the site in October 2017 (17/01221/OUT) due to highway safety concerns, but was allowed at appeal. The application was brought to committee at the request of Cllr Huffer as it had raised a lot of local interest.

Members' attention was drawn to the comments received from Chippenham Parish Council on 30th January 2023, and to the previously circulated update sheet that included details of a revised recommendation: that the application be approved subject to the recommended summary of conditions listed in Appendix 1 of the report, and to no new issues being raised within the consultation period that Members had not already considered.

The Planning Team Leader spoke briefly on comments raised by Chippenham Parish Council. She explained that the two new-build properties (1a and b Scotland End) adjacent to the site were not consulted since those dwellings were under construction at the time of the consultation. However, a site notice had been displayed in accordance with legal requirements to either display a site notice or send a letter notification (the Council's policy was generally to do both). Regarding the access to the site, she clarified that "south west is the likely proposed site entrance" had been taken from the previous outline application and that the position of the site entrance was as shown in the block plan and confirmed with this application.

A location plan, aerial image, block plan and photographs were used to illustrate the site's location at the north of the village, outside the development envelope, adjacent to the conservation area, and with open fields to the north. The block plan indicated four two-storey four-bedroom dwellings, and one single-storey three-bedroom dwelling, with each property having a double garage and two parking spaces in front of the garages. Elevations and floorplans were provided for all house types and garages.

The main considerations for the application were deemed to be:

- **Principle of development** – the outline application had been refused by the Planning Committee in 2017 on the basis of highway safety. However, the

Planning Inspector had allowed the appeal. The proposed development was therefore considered to be acceptable in principle.

- **Access** –The Local Highways Authority had raised no objections to the proposal, subject to conditions. In addition, the Planning Inspector's comments taken from the appeal consent included noting that the visibility splays shown for the access were in excess of that ordinarily required for vehicular access to a 30mph section of highway.
- **Appearance** – the appearance of the five dwellings would include similar window styles, features, and materials to give a holistic scheme. The proposal also included chimneys on two dwellings. In addition, the Conservation Officer had no objections, having been consulted due to the close proximity of the scheme to the village's conservation area.
- **Landscaping** – the landscaping of the site would include native hedges to the boundary, planting of trees, and restricted fencing to control the open nature of the front of the site.
- **Layout** – there had been some changes to the layout of the proposal during the application process, but the fundamental layout had not changed and was broadly similar to the indicative layout in application 17/01221/OUT. The scheme would continue the linear development and curvature of the High Street, with plots 1 and 2 following the same line as the High Street, and plots 3-5 set further back. The closest distance between the new dwellings and an existing neighbour would be between plot 2 and 37 High Street; at 17m this was in excess of the 10m recommendation for side-on neighbours in the Design Guide. The site was not considered to be overbearing, or to result in a loss of light or privacy. The proposed development was therefore considered to be acceptable in its layout.
- **Scale** – the plot size of the area totalled 0.49 ha (0.98 acres), with the developed area totalling 0.1 ha (0.24 acres). Consequently, only 20% of the site would be developed, with an excess of 50 square metres of garden per plot. Plot 5, to the rear of no. 37 & 38 High Street, consisted of a single-storey dwelling to ensure the neighbouring amenity would be retained.
- **Other matters** – all conditions from the outline application had been addressed and all pre-commencement conditions, including condition 8 of the outline permission that addressed surface water and foul water, could be dealt with via a discharge of condition application. Concerns had been raised about the accuracy of the plans but no evidence had been provided to support the concerns and any boundary dispute would be a civil matter rather than a Planning issue. Policy GROWTH5 of the Local Plan 2015 stated that the Council would work proactively with applicants to find solutions that would enable plans to be approved wherever possible; issues raised by the Case Officer and addressed by the applicant's agent were in accordance with this policy.

In summary, Members were recommended to approve the application subject to the conditions in the report and to no new issues that Members had not already considered being raised during the remaining consultation period.

The Chairman invited Malcolm Daines-Smith to address the Committee as the applicant's agent. He acknowledged that a number of objections had been received, but reminded the Committee that, as a reserved matters application, highways matters were not a material planning matter. He reiterated that the original outline application had been refused on highways grounds but the Planning Inspector had accepted both the access location and the visibility splays. The Local

Highways Authority had also been satisfied with both the outline application and the reserved matters application. He stated that there had only been one small accident recorded at that location in 20 years, indicating no highway safety issue. He emphasised that the site was located on the outskirts of the village and would be well screened therefore the impact would be minimal. The design layout had been amended to minimise overlooking, including positioning a single-storey dwelling behind 37 and 38 High Street and planting a green buffer. There were no material planning grounds to refuse the application following scrutiny by all relevant consultees and alterations being made accordingly.

There were no questions for the applicant's agent.

The Chairman invited Parish Councillor Nick Bennett to address the Committee on behalf of Chippenham Parish Council. Copies of Mr Bennett's statement, including various images, were circulated to Members for their attention. Having reluctantly accepted the appeal decision for the outline application, the Parish Council had focussed on the impact of the development in practical terms, particularly road safety. He referred to the images he circulated to Members which showed the original and revised block plan of the site, and questioned whether the difference constituted a significant material change. He highlighted that 1a and b Scotland End had been restricted from having first floor windows and requested that the same condition be applied to plot 3 of this development to address overlooking concerns. The Parish Council did not consider that highway safety had been appropriately addressed, and stated that the development would exacerbate existing issues at that location. He stressed that more than one accident had occurred there. He mentioned that the waste strategy was consulted on only once and said that the road had been changed to private since then which raised concerns regarding the practicalities of waste collection since bin lorries would not enter the site. To mitigate the increased highways risk of wheeled bins and bags being placed at the roadside restricting drivers' visibility, he requested that the committee add a condition requiring the developer to arrange a purpose-built designated area just inside the entrance to the site for a waste bin collection. There were also concerns about localised standing water around the nearby junction and the proposed site entrance, which they considered would be exacerbated by additional run-off from the proposed development.

The Chairman invited Members to ask questions to the Parish Councillor. Cllr Trapp emphasised that he shared the Parish Council's concerns about the safety of bin collections on the site. He mentioned that on the site visit the north of the site was grass and would not be suitable for bins, therefore he assumed they would be put on the access road or on the pavement to the south of the site. Mr Bennett agreed, and advised Members that the ground was uneven. He added that visibility angles would be hindered by the bins but the concerns could be mitigated easily by adding a condition for a bin collection area.

Responding to a question from Cllr C Ambrose Smith regarding the level of detail from the Parish Council, Mr Bennett explained that as residents of the village, they had a greater understanding of the area and community, and had a duty to highlight issues that would affect the village if not addressed.

Cllr Cane agreed that local knowledge was very helpful and queried whether the grass between the site and the road was a well-used pathway. She also asked if plot 3 had a different ground level in comparison to the garden of 37 High Street.

Mr Bennett explained that the verge was a well-used pathway for walkers, including further along Isleham Road, and towards plot 3 and 4 of the site was at a higher ground level.

Cllr Huffer then addressed the committee as a Ward Councillor. She emphasised that the committee should listen to the Parish Council's concerns. They dealt with residents, knew about any unreported accidents and near misses, and their concerns were valid.

There were no questions for the Ward Member.

2:51pm Cllr Huffer left the room for the remainder of this item.

The Planning Team Leader had no further comments to make, therefore the Chairman invited questions from Members.

Given that the Local Highways Authority had no problems with access and the Planning Inspector had allowed the appeal, Cllr Trapp asked what leeway the committee had regarding highway concerns. He also expressed his concern about bins being left on the highway rather than having a collection point near to the site access. The Planning Team Leader reminded Members that both the Planning Inspector and the Local Highways Authority had examined the access and had not objected, therefore Members would need to consider what would be entailed if minded to refuse the application on a highways basis. Regarding the waste collection issue, she explained that there would be room for a bin collection point and a condition could be added to that effect.

Cllrs Hunt, Trapp and Cane further queried the provision for bin storage and collection, and the Planning Team Leader indicated on the block plan where the bin storage for each plot was currently planned. The Planning Manager advised the committee that they could add a condition to reserve the detailed location(s) of bin storage and collection, to address the concerns about obstruction to highway visibility, with the requirement for details to be submitted and consulted upon.

Cllr Cane queried the different ground levels of the site and asked whether the garden of plot 3 would be higher than the garden of 37 High Street. The Planning Team Leader explained that she understood that all development would sit level with the existing land and reminded Members that a bungalow had been positioned to the rear of 37 and 38 High Street to mitigate the effect of the slope.

The Chairman invited Members into debate.

Cllr D Ambrose Smith commented that on-site bin collection would be sensible to avoid bins potentially being left on the road.

Cllr Hunt proposed the Officer's recommendation for approval, with an additional condition regarding bin storage and collection. Cllr Jones seconded the proposal and added that this was a good application and although he recognised that there were some potential issues regarding highways, evidence showed a refusal on those grounds would be overturned. He considered that the separation distances were sufficient to avoid overlooking, and requested that care be taken to prevent excess water draining onto the road.

Cllr Trapp expressed that he felt no reason to go against the Officer's recommendation, the only concerns being the access and bins. He echoed the Parish Council's concerns on safety, and he considered that less time spent by the bin lorries at the site entrance the better, therefore the bins should be presented for collection as close to the site entrance as possible.

Cllr Cane agreed with the concerns about highway safety but recognised that the refusal of the outline application on those grounds had been overturned. She mentioned the location at the edge of the village and therefore the need to arrange the bin storage area in such a way that it was sensitive to the entrance to the village and conservation area. She also reiterated her concerns regarding the ground level and potential for overlooking.

It was resolved unanimously:

That planning application ref 21/01255/RMA be APPROVED subject to the recommended conditions in Appendix 1 of the report with an additional condition regarding the details of a wheeled bin collection location, and no new issues being raised within the consultation period that Members had not already considered.

It was further resolved unanimously:

That authority be delegated to the Planning Manager to draft the additional condition regarding the details of a wheeled bin collection location to be submitted to the Local Planning Authority and consulted upon.

3:14pm Cllr Huffer returned to the meeting.

68. 22/00472/RMM – PHASE 1B (FIRST RESIDENTIAL PHASE), KENNETT GARDEN VILLAGE, LAND SOUTHWEST OF 98 TO 138 STATION ROAD, KENNETT

Anne James, Planning Consultant, presented a report (X145, previously circulated) recommending approval of a reserved matters application for Phase 1B, the first residential phase, of the Kennett Garden Village development that had received outline permission in April 2019 (18/00752/ESO). Phase 1B would include 328no. one-, two-, three- and four-bedroom dwellings, 15no. plots for self-build and custom housing, a CLT office, associated infrastructure and public open space. The perimeter road (Phase 1A) had been approved by the committee in December 2022.

Members were shown a site plan, aerial image and photographs of the site and the surrounding area, as well as a masterplan view of the proposal. The whole of the Kennett Garden Village application site comprised an irregular shaped area of arable land measuring 40 hectares (99 acres) within a wider area of open arable farmland. South of the site would be the industrial estate, and Kennett Railway station. The proposal included 328 residential units within character areas Pippin Green, Village Core, and Perry Green with doorstep greens, community orchards and allotments. In addition, the proposal included primary and tertiary streets, bus stops, the Community Land Trust (CLT) office and village square, self-build plots, the village green, a herbal walk and sustainable drainage ponds. The parcels of land allocated for the school and the village centre were surrounded by the application site but were not part of the application.

The main considerations for the application were deemed to be:

- **Principle of development** – the principle of constructing a garden village extension to Kennett was agreed at outline in 2019. The outline permission dealt with matters of access for up to 500 dwellings; Village core/local centre; elderly care centre; village green; Tumulus Meadows (including Scheduled Ancient Monument); primary school; enterprise park; perimeter road and three new junctions. A condition of the outline permission required that reserved matters applications should demonstrate how they accorded with the Kennett Garden Village Design Code, which provided a blueprint for how the scheme should be developed. Phase 1B of the scheme had undergone comprehensive evaluation both with the Urban Designers at Place Services and the Cambridgeshire Quality Review Panel and was considered acceptable in principle.
- **Residential amenity** – existing occupiers would be impacted during construction, however the mitigation proposed would keep the degree of harm to an acceptable amount. The new dwellings proposed to the south-east of the site would be affected by noise from the new perimeter road. Mechanical ventilation would be required on those properties affected. The accommodation for new occupiers of the site would provide an acceptable outlook with adequate daylight penetration to all habitable rooms. Private and public open space requirements were all exceeded on the site, and in that respect the residential units were considered to meet the requirements of Policy ENV2 of the Local Plan 2015 and the Design Code SPD.
- **Visual amenity** – the site location consisted of undeveloped land on the edge of Kennett. The impact on the visual amenities of the area were assessed at the outline stage which acknowledged that the design of the development and the landscaping would play a significant role towards ameliorating the development within the context of its landscape setting. The development would also provide green infrastructure corridors within the site connecting to areas outside of the site. As required by the Design Code, the landscaped areas throughout the site would include; Herbal Walk, Tumulus Meadows, village green/square/doorstep greens, and a green edge along Dane Hill Road and Station Road following the removal of the existing hedgerow. The committee were shown visual impressions of each of the character areas, the landscaped areas, the CLT building to the north of the village square and various streetscenes. The scale and density parameters had been established out the outline stage and consequently no building would exceed 2.5 storeys in height. Tumulus Meadows would be the largest area of public open space and formed the setting for the Scheduled Ancient Monument as well as including a skate park and a range of play equipment for all ages, including for less ambulant children. Further play equipment would be available in the doorstep greens within the Pippin Green and Perry Green character areas. The Village Green and Village Square to the east of the site would connect the existing village with the new scheme and would be readily accessible to the whole community. The design of the school that would front the west of the village square was not yet known and details of the village pond were under discussion, therefore a condition was proposed to ratify both components as integral parts of the scheme. The Herbal Walk would convey pedestrians and cyclists from the perimeter road into the Village Centre via a fragrant green corridor.
- **Highways** – Members' attention was drawn to the update sheet circulated on 30th January that included confirmation that the Local Highways Authority

were now satisfied that the roads would be to an adoptable standard. Phase 1A had dealt with the perimeter road, whereas Phase 1B would deal with the primary and tertiary streets within the estate. A new junction on Dane Hill Road to form the third vehicular entrance into the site was proposed, and this would create the new primary street into the estate with a number of secondary and tertiary roads serving Phase 1B of the development, as well as providing the bus route through the scheme. The proposed locations of the bus stops were shown and a condition would be imposed regarding detailed information about each one.

- **Ecology and Biodiversity** – landscaping, biodiversity and green infrastructure all played an important role in the evolving nature of the Kennett Garden Village environment. The information that had been supplied with the application provided a sound basis for the management and enhancement of habitats and species across the site.
- **Other matters** – in terms of affordable housing, historic environment, sustainability, flood risk and drainage, the information submitted with the application had been considered as acceptable.

In summary, the application represented Phase 1B of the development of a site with outline permission, and was considered to accord with both national and local planning policy. It was therefore recommended for approval.

On the invitation of the Chairman, the Senior Democratic Services officer read aloud a statement received from Lynne McCallum regarding parking provision and the sizes of the Kennett Community Land Trust (CLT) self-build plots. She expressed disappointment that parking for the apartment blocks had been reduced to a single space per dwelling, stating that this would be inadequate since the average car ownership was 1.6 vehicles per home. In a rural environment the likelihood was that occupants would work in locations without direct public transport links and would therefore require cars. The self-build plots for the CLT were smaller than the national average sizes of self-build plots, which meant that it would be difficult to fit a 4-bedroom dwelling on the plots. Additionally, their orientation would not permit passive solar-gain and would therefore limit the potential design of the homes. She requested that the developer be tasked with making provision for adequate parking facilities for the apartment blocks and re-examining the CLT self-build plots with a view to a more generous arrangement.

The Chairman invited the applicant's agent, Michael Smith, to address the committee. He explained that the application sought approval for the first residential phase of the development including 328 homes and the village centre. The scheme also included the primary roads connecting to the perimeter road providing access to the retirement village, primary school, and non-residential uses of the village. Kennett Garden Village was an infrastructure- and community-led development implementing the masterplan and Design Code. The developers had worked hard with the officers at District and County level and with the Community Land Trust (CLT) to produce a high quality and aspirational development that met the required technical standards. Pippin Green would act as a southern gateway to the garden village with frontage to the perimeter road and Station Road. Doorstep greens would include children's play areas, and to the west the Herbal Walk would be a traffic-free area separating Pippin Green from the Village Centre. Perry Green would be a lower density development with a rural character. Tumulus Meadows was important for the landscape setting and would include children's play areas as well as connecting to public rights of way. The Village Green would be described

as the heart of the village. Just under 30% of dwellings would be affordable homes, some to be delivered via the CLT and some via a registered provider working in conjunction with the developer. 15 self-build plots would be provided, split across two sides of the Village Centre. 25% of dwellings were designed with part M4(2) of Building Regulations to be adaptable for future living and all dwellings conformed with the Design Guide SPD. Approval of the application would enable the next stage of delivery of the Garden Village by providing landscaping and the first phase of dwellings as well as the road layout required for the school, shops and retirement village.

Cllr D Ambrose Smith applauded the scheme and asked what would be the impact of the County Council having put their school building programme on hold. The applicant's agent explained that the school was due to be completed by September 2024, and building work on the primary school was expected to start later in 2023.

Cllr C Ambrose Smith referred to the statement read aloud from Lynne McCallum who made points regarding the number of parking spaces for apartment buildings, and the size of the self-build plots, and asked if the applicant's agent had any comments. Mr Smith explained that the proposal as a whole exceeded the Council's parking requirements. Some smaller flats in the village centre had been allocated one parking space to improve aspects such as landscaping, and four parking spaces had been removed in order to increase the size of the CLT self-build plots. All flats would have at least one allocated parking space and all affordable housing plots would have two. He emphasised that it would be a sustainable village location and residents would not need to drive far for groceries. He then went on to explain how self-build plots were split between CLT and Bellway Homes: the CLT plots would each be approximately 6m x 10m within Pippin Green, and the Bellway Homes plots would be the other side of the retirement village and up to 10m in width.

Cllr Wilson commended the large number of green areas on the site and queried who would be responsible for their maintenance, to which Mr Smith confirmed that the CLT would be responsible for all on-site open space.

Cllr Trapp questioned what would be the pricing strategy be for self-build plots, and whether utilities such as water and electricity would be provided. Mr Smith advised that all self-build plots would be fully-serviced with utilities provided to their boundary, and would be marketed through the Council's self-build register and priced according to the nature of each plot. In addition, Cllr Trapp queried whether there would be a condition for the provision of car electric charging parking for plots including for apartments. Mr Smith advised that the energy and sustainability strategy contained a commitment to equip all allocated spaces with the ability for electric car charging.

Cllr Cane queried whether there would be good visibility between the separate play areas for different age groups. She also referred to a comment from the British Horse Society, and asked when and how the elements that they thought had been agreed in principle would be added to the design. Mr Smith advised that the play areas met the Council's standards. The toddler areas would be located in doorstep greens close to dwellings, the junior area in the village green, and all age groups would be catered for in Tumulus Meadows. He reassured Members that parents would be able to keep an eye on children in separate play areas in Tumulus Meadows. He further explained that comments from the British Horse Society were

discussed at outline stage, but the Design Code did not require any bridleways and the County Council responsible for highways had chosen not to include any. There was no requirement in the outline permission or Design Code to consider horse travel, and neither had it been requested from the CLT.

The Chairman invited the Officer to provide any further comments in response to the public speaking section. The Planning Consultant advised Members of the sustainability credentials set at outline stage. Existing Kennett residents had been concerned about an increase in vehicle journeys to and from the site, therefore the 'Garden Village' development had been designed as a sustainable location in which residents could walk to shops and employment. It would attract families to a different living environment which included all amenities on-site. In addition, the proposed parking met the requirements of policy COM8. A fundamental principle of a garden village was that a car was not required, and a single space per dwelling for some of the apartments was in line with the town centre strategy.

Cllr C Ambrose Smith queried whether there would be any provision for deliveries to the apartments. The Planning Consultant indicated on the site plan the close proximity of the apartments to the village centre and shops.

Cllr Trapp questioned whether there would be bus stops through the village or along the bypass. The Planning Consultant advised that there would be six bus stops through the Garden Village, four of which would be in Phase 1B, and a condition had been proposed regarding details of the location, appearance and facilities of the bus stops. She added that the developer would be negotiating with providers about the bus service. Cllr Trapp further queried the access on the roads around the village green towards the village centre. The Planning Consultant advised that both roads accessed Station Road but there would be no through route to the village centre at those points. Cllr Trapp also commented that 30% affordable homes seemed a low proportion for a CLT development, and only 60 of those would be held in perpetuity. He questioned whether the non-CLT affordable homes would also be available in perpetuity. The Planning Consultant confirmed that the CLT properties would be excluded from the right to buy scheme, and advised that for the housing association properties it was currently unknown whether or not they would be excluded.

Cllr Cane questioned the height of the residential buildings, and whether the road layout, pedestrian crossings and parking spaces were prioritising active travel over the use of cars. The Planning Consultant advised that the apartments were two and a half storeys high, and the rest of the dwellings were two storeys high. She emphasised the inclusion of footpaths and cycleways together with a bus route and a nearby train station, and the inclusion of all necessary amenities within the wider design, but stressed the difficulty in preventing people from driving their cars. All roads were to an adoptable standard providing safe active travel routes, there had been a road safety audit on the perimeter road and on the B road in Kennett, and the internal roads met highway requirements. Cllr Trapp commented that the inclusion of elements such as underpasses would make active travel more attractive.

The Chairman then opened the debate. Cllr Huffer proposed that the Officer's recommendation for approval be accepted. She indicated that she had attended many Kennett Parish Council meetings and understood the issues of traffic in the

village, and added that, should the need arise, the Parish Council could use some of their CIL money for a pedestrian or zebra crossing.

Cllr Hunt seconded Cllr Huffer's proposal for approval, and thanked the Planning Consultant for her hard work and report. Cllr D Ambrose Smith commended the proposal as being a good scheme.

Cllr Trapp reiterated the importance of active travel and stated that consultation should take place and schemes be implemented prior to demand since it would be cheaper to put suitable arrangements in place at the earliest stage of development. The Planning Consultant responded, with consent from the Chairman, that an active travel SPD would be needed in order for Officers to be able to insist on such measures. Currently there were no such requirements in the Local Plan 2015, the Design Code or the NPPF. Cllr Cane endorsed the Planning Consultant's comments and agreed with Cllr Trapp about the missed opportunity for exemplary active travel. She considered that the Garden Village had been designed with many good features to promote active travel, such as lots of on-site facilities, but by not prioritising cycleways and footpaths it could, in reality, be discouraged. She was also disappointed that the development would not be built with horse movements in mind, especially considering its proximity to Newmarket.

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

That planning application ref 22/00472/RMM be APPROVED subject to the conditions detailed in Appendix 1 of the report and the resolution of the technical conflict with condition 24 of the outline planning permission relating to highways being to an adoptable standard and the applicant agreeing any necessary extensions to the statutory determination period to achieve this.

4:16 – 4:30pm the meeting was briefly adjourned for a comfort break during which Cllr Trapp left the meeting and did not return.

69. 22/00478/FUM – PHASE 4C, LAND AT HIGHFIELD FARM, ELY ROAD, LITTLEPORT

Richard Fitzjohn, Planning Contractor, presented a report (X146, previously circulated) recommending approval of an application to amend the approved layout and house types for 77 residential dwellings on phase 4C of the Highfields Farm development (98/00426/OUT and 02/00950/RMA).

A location plan, aerial views, and photographs of the site and its surroundings were used to illustrate the location in relation to Millfield Road and Ely Road to the east, and Millfield Primary School and Grange Lane to the south. There was also recently-constructed residential development immediately to the north, south and west of the application site, together with public open space to the west. The application site had an extant planning permission for 77 dwellings as part of a wider planning permission for 650 dwellings (98/00426/OUT and 02/00950/RMA). Members were reminded that Phase 4C could therefore be implemented under the original planning permission at any time.

The main considerations for the application were deemed to be:

- **Principle of development** – The principle of development for 77 dwellings had been established by extant planning permission ref: 98/00426/OUT and reserved matters approval ref: 02/00950/RMA.
- **Housing Mix** – the proposed housing mix would provide a greater proportion of smaller dwelling sizes, in comparison to the extant planning permission. The current proposal would provide a greater number of 2, 3 and 4 bed dwellings, and fewer 5 and 6 bed dwellings. This would contribute to current and future housing needs and was therefore considered to be acceptable in terms of housing mix.
- **Affordable housing provision** – Phase 4C (of the extant planning permission for 650 dwellings) did not include affordable housing as it had been secured within other phases of the wider development. The proposal would not result in a gain or loss of affordable housing secured by the extant planning permission.

Visual amenity – Plans of the proposed site layout, and the layout of the extant planning permission, were provided together with images of the main elevations for all of the house types. Yeomans Way, the road adjacent to the western boundary of the application site, would provide vehicular and pedestrian access from the north and south of the application site. The proposal also included a north-south public footpath/cycle route through the application site connecting Highfield Drive and Grange Lane. The Local Highways Authority had commented that the road layout was an improvement on the previously-approved road layout. The proposed layout included a good mix of detached, semi-detached and terraced dwellings with a good proportion of dwellings fronting onto the main streets and footways through the development. Overall, the proposed layout was considered to be of a high quality. The proposal was of an acceptable density and would not increase the number of dwellings already approved for the site. In comparison to the extant planning permission, the proposal included a reduction of shared parking courtyards, more on-plot parking, a higher quality layout, and it would be less parking dominated. The proposed house types were of a similar height, scale and design to the dwellings approved in the extant planning permission and those already constructed on the wider development. The proposal would therefore appear in character with the surrounding area, and was considered to be acceptable in terms of visual amenity.

- **Residential amenity**– The proposal demonstrated acceptable separation distances, plot sizes and garden sizes and it would not result in any significant overshadowing, overbearing or overlooking impacts to other residential properties. The proposal would not result in any significant noise or disturbance to neighbouring properties as no access is proposed through Millfield road. The proposed development was therefore considered to be acceptable in terms of residential amenity.

Highway safety and parking provision – In comparison to the extant planning permission, the proposal would result in less traffic generated and an improved highway layout. The Local Highway Authority has stated that the proposal was acceptable. The proposed width of Road 24 (the main vehicular access to phase 4C) was 6 metres at the start before narrowing to 5.5 metres. Further details were provided regarding appropriate widths for different roads, illustrating that the proposed roads were in accordance with, or wider than, the County Council's and Department for Transport's standards. It was acknowledged that on-street parking would reduce available carriageway width for vehicles and also visibility, however on-

street parking could not be restricted through the planning process. The overall parking provision within the application was greater than required by the Council's adopted parking standards, which would reduce the demand for on-street parking. On-plot parking provision was greater than in the extant permission and although there would be an under-provision of visitor parking, when measured against the Council's adopted parking standards, that would be compensated for by an overprovision of resident parking which averaged approximately 3 resident car parking spaces per dwelling across this phase of the development.

- **Flood risk and drainage** – The application site was located in Flood Zone 1 and already had permission for 77 dwellings. Surface water could be managed through discharge into an existing surface water system within the road that was designed to take flows from Phase 4C. The Lead Local Flood Authority had no objection, subject to conditions relating to surface water. The proposed development was therefore considered to be acceptable in terms of flood risk and drainage.
- **Biodiversity** – The application site was not subject to any statutory or non-statutory nature conservation designations. The proposal would not result in any loss of trees and the Trees Officer considered the proposal to be acceptable. The delivery of appropriate biodiversity mitigation and enhancement measures, and a soft landscaping scheme, would be secured by condition.
- **Planning obligations** – The Local Planning Authority were in receipt of a draft Unilateral Undertaking, this would ensure that the planning obligations associated with the planning permissions for the wider Highfield Farm development remained secured.

In summary, the proposal had the principle of development already established for 77 dwellings on the site, which could be built at any time. In comparison to the extant planning permission, this proposal provided a greater proportion of smaller dwelling sizes, improved highway layout, more on-plot parking, and less traffic generation. The proposal would not result in any significant detrimental impacts in respect of any material planning considerations. Members were therefore recommended to approve the application subject to the conditions and grant delegated powers to the Planning Manager and Director Legal to complete the S106 Unilateral Undertaking and issue the permission.

The Chairman invited the Senior Democratic Services Officer to read aloud a statement from Gary Mond objecting to the proposed width of the road numbered 24 on the application. Photographs had been provided showing that, with vehicles parked there, there was insufficient room for vehicles to pass each other. Additionally, exits from Gray Avenue onto road 24 were blind and parked vehicles too close to the end of road 24 where it met road 1 created a blind spot for oncoming vehicles to the left. He requested that, in the interests of safety, the plans should be redrawn to provide a minimum road width of 9000mm for road 24 from its junction with road 1 to the properties numbered 240 and 243.

On the invitation of the Chairman, Gabrielle Rowan (the applicant's agent) addressed the Committee and also introduced Martin Lott from the applicant, Cannon Kirk, who would be available to answer any questions. Ms Rowan thanked the Officer for their comprehensive report and reasoning for recommending approval of the application. She emphasised that the applicant had worked collaboratively with the Council to respond to concerns raised and to statutory

consultee comments. The site benefitted from extant planning permission providing the principle for residential development. The revised proposal sought to change the layout and housing mix of the development, providing more 2 and 3 bed properties replacing 5 and 6 bed properties in compliance with policy HOU1 of the Council's Local Plan. They added that it was a well-balanced proposal forming part of the wider Highfield Farm development and complementing new and existing development in the area. The proposal was similar to the previously approved application providing the same number and density of dwellings, building heights, points of access, public open space, and materials. Other benefits included a north to south footpath/cycle link and ecological improvements. This would be a quality development and all technical issues had been addressed, she therefore urged the Committee to approve the application.

Cllr D Ambrose Smith had the following queries: whether the pedestrian and cycle routes and green areas of the completed site would be controlled by a management company; what was being done to address the Internal Drainage Board's objection concerning the poor maintenance of a lagoon; and, referencing the photographs submitted by the objector, whether parking restrictions could be added to the relevant section of Road 24. The applicant explained that the pedestrian and cycle routes would be adopted by the Local Highways Authority and the green areas adopted by local Councils, and the lagoon had already been adopted by Anglian Water but the developer would endeavour to ensure that it was appropriately maintained by Anglian Water. He added that the Local Highways Authority determined parking restrictions, but he would be willing to discuss it with them.

The applicant confirmed to Cllr Cane that all 77 dwellings would have access to their back gardens without going through the house. Cllr Cane then recognised from the location plan that Road 24 meeting Road 1 junction could incur visibility issues, and asked whether there was anything to be done to improve this. The applicant and agent advised that the visibility splays and road layouts had all been agreed with Highways.

Cllr Wilson commented that recently-built houses opposite the site each had three solar panels, and queried both the small number of panels and whether the developer would be doing the same on the proposed development. The applicant explained that three solar panels were required to reach the correct SAP rating (an additional 1kW of power per property), and purchasers were offered the opportunity to purchase additional solar panels if they wished. Additionally, the developer was providing more than was required by Building Regulations.

There were no further comments from the Officer or questions for the Officer from Members. The Chairman therefore opened the debate.

Cllr D Ambrose Smith spoke of the new affordable housing in Littleport in recent years being in excess of 50% by his calculations, above the required 20%, which was positive for the town. He proposed the Officer's recommendation for approval, which was seconded by Cllr C Ambrose Smith.

Cllr Wilson expressed his support for the application, and in particular he was pleased to see smaller house types proposed. Cllr Cane echoed the support for the change of housing mix, and although disappointed not to see affordable housing she understood that it had been provided in previous phases of the wider development and commended the developer for delivering all of the affordable

housing at an earlier stage. Cllrs Hunt and Huffer also commended the increase of smaller house types. Cllr Huffer empathised with the objector about parking concerns, but suggested that once the development had finished then the parking issues may disappear as the photographs showed vans that could be associated with the building works.

It was resolved unanimously:

That planning application ref 22/00478/FUM be APPROVED subject to the signing of the S106 Unilateral Undertaking, the Applicant agreeing to any necessary extensions to the statutory determination period to enable completion of the S106 Unilateral Undertaking and the draft conditions detailed in Appendix 1 of the report, with authority delegated to the Planning Manager and the Director Legal to complete the S106 Unilateral Undertaking and to issue the planning permission.

70. 22/00852/MPO – LAND AT HIGH FLYER FARM, NORTH OF KING’S AVENUE, ELY

Toni Hylton, Planning Team Leader, presented a report (X147, previously circulated) recommending approval of the modification to a S106 agreement in connection with planning application 11/01077/ESO. Outline permission had been granted for the site in June 2015 for a residential development, a local centre, primary school, pre-school nursery, playing fields, place of worship or community building together with open space, allotments, landscaping, highways, infrastructure and associated works. The application had been brought to committee because it did not meet the delegation scheme and therefore needed to be decided by Members.

Members’ attention was drawn to the update sheet that had been circulated on 30th January which included revised wording of the approval recommendation to include a delegation to the Director Legal to negotiate and complete the necessary legal agreement.

A location plan and aerial image showed the site’s location as part of the North Ely development. The proposal would revise the S106 agreement to remove the review provisions and replace them with agreed payments and an agreed uplift in affordable housing. As a result, an agreed contribution of £3,635,680.05 would be made and 35% affordable housing would be delivered across the 600 houses following the initial 200 being built by Redrow. The variation would also deliver the country park within the occupation of 250 dwellings rather than 600 occupations. Redrow had also asked that the standard mortgagee in possession clause be used. The proposals had been independently assessed, and the proposed variation was considered to be acceptable, therefore it was recommended for approval as detailed in the revised recommendation.

On the invitation of the Chairman, the Senior Democratic Services Officer read aloud a statement from Joanna Loxton, Head of the Church Commissioner’s strategic land portfolio, in support of the application. The statement reminded Members that the Church Commissioners had received planning permission for 800 new homes and associated social infrastructure at North Ely in 2015 and that development had started on site in 2018. To date, approximately 150 of the initial 200 homes had been built. Due to the site’s viability, the S106 agreement had

allowed for reduced financial contributions and affordable housing in the early phases so that the site could be delivered. As a consequence of “the review mechanism” the first phase of development provided 15% affordable housing rather than 30%. This application sought to review the position, enabling improved delivery of affordable housing numbers in line with the requirements of the Local Plan 2015, as well as the provision of the outstanding financial contributions across the site. If approved, the 800 dwelling site would deliver 30% affordable housing meaning that, due to the shortfall in Phase 1, 35% of the remaining 600 homes would be affordable housing. In addition, the country park land within the planning permission would be transferred at 250 occupancies rather than 600 as was in the original agreement. This would provide a positive amenity space for local residents as well as paving the way for the wider country park that would be included in future planning applications for North Ely.

The Chairman then invited questions for the Planning Team Leader. Cllr D Ambrose Smith queried whether the country park would be available in full to the District’s residents once 250 occupations were complete. The Planning Team Leader confirmed that was the understanding from the variation to the S106 agreement. Cllr Wilson was shown where the country park was located on the site map by the Officer, as requested. Cllr Jones queried why the definition of a ‘mortgagee’ had changed. The Director Legal responded to advise that it was related to funding, and that it would be discussed with the housing and neighbourhood team to ensure they were satisfied.

The Chairman then opened the debate. Cllr D Ambrose Smith applauded the early delivery of the country park and Cllr Huffer added that she welcomed the increase in affordable housing within the development.

Cllr Hunt proposed, and Cllr Jones seconded, the Officer’s updated recommendations.

It was resolved unanimously:

That planning application ref 22/00852/MPO be APPROVED for the modification of planning obligation 11/01077/ESO as follows;
The modification of the S106 legal agreement dated 20th June 2016 attached to the planning permission 11/01077/ESO to allow for the modification to transfer the Country Park by 250 occupancies, update Schedule 1 affordable housing to reflect the review provisions, updated Schedule 2 to give a definitive contribution amount of £3,635,680.05 and the definition of mortgagee to be changed to the standard definition.

It was further resolved unanimously:

That the Director Legal be instructed to negotiate and complete the necessary legal agreement to secure the above.

71. PLANNING PERFORMANCE REPORT – NOVEMBER & DECEMBER 2022

Simon Ellis, Planning Manager, presented two reports (X148 and X149, previously circulated) summarising the performance of the Planning Department in November and December 2022. He described to Members that the number of applications

received each month, as compared to the same month in previous years, was down in the year 2022. This was a result of the decline in the housing market, availability of finances for smaller applications, and completions slowing down for larger applications. Nonetheless, the number of applications received remained high every month.

100% of major applications were determined on time, and the percentage for minor applications was also high. There had been some slippage with extension of time requests for discharge of conditions/non-material amendments (DIS/NMA) and he was in the process of reviewing those procedures.

The Planning Manager stated that he had been in post for 3 months, and that the team were working well. During the next financial year he would be looking at how bigger applications were handled in order to improve general knowledge and collective understanding about each one. Project management tools would be used and would be introduced over the coming months.

Cllr Cane queried the timing of consultation letters sent to Parish Councils as she had received some complaints about delays. In addition, Team 4, as the smallest team, appeared to have a large number of open cases, in particular in the DIS/NMA category, and asked whether the workload was appropriately distributed. The Planning Manager explained that the volume of work differed significantly for the different types of application, so the total numbers may not be representative of time requirements, but he would look into the distribution further. The Planning Senior Support Officer explained that all Parish Council consultations were sent by email, allowing 10 working days for a re-consultation and 15 for the initial consultation.

It was resolved:

That the Planning Performance Reports for November and December 2022 be noted.

The meeting concluded at 5:18pm.

