



# East Cambridgeshire District Council

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## Meeting: Planning Committee

Time: 2:00pm

Date: Wednesday 15 January 2025

Venue: Council Chamber, The Grange, Nutholt Lane, Ely, CB7 4EE

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## Committee membership

**Quorum:** 5 members

### Conservative members

Cllr Christine Ambrose Smith  
Cllr David Brown (Vice-Chair)  
Cllr Lavinia Edwards  
Cllr Martin Goodearl  
Cllr Bill Hunt (Chair)  
Cllr Alan Sharp

### Conservative substitutes

Cllr Keith Horgan  
Cllr Julia Huffer  
Cllr Lucius Vellacott

### Liberal Democrat and Independent Group members

Cllr Chika Akinwale  
Cllr James Lay  
Cllr John Trapp  
Cllr Ross Trent  
Cllr Christine Whelan  
Cllr Gareth Wilson (Lead Member)

### Liberal Democrat and Independent Group substitutes

Cllr Christine Colbert  
Cllr Lorna Dupré  
Cllr Mary Wade

**Lead Officer:** David Morren, Strategic Planning and DM I Manager

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**11:45:** Planning Committee members meet at The Grange reception for site visits.

## AGENDA

### 1. Apologies and Substitutions

[oral]

- 2. Declarations of Interests** **[oral]**
- To receive declarations of interests from Members for any items on the agenda in accordance with the Members Code of Conduct.
- 3. Minutes** **[Page 5]**
- To confirm as a correct record the minutes of the meeting of the Planning Committee held on 4 December 2024.
- 4. Chair's Announcements** **[oral]**
- 5. 24/00510/VARM** **[Page 19]**
- To vary conditions 3 (development specification, plans & documents); 4 (site-wide phasing plan); 51 (flexible dwellings); 65 (business B1 use); 66 (hours of opening (A3, A4, A5 uses)); and 67 (sub-division/amalgamation of uses) of the previously approved 13/00785/ ESO for residential led development of up to 1,200 homes with associated employment and community uses (including care home or extra care home). Supporting infrastructure and open space/landscaping on land to the west of Lynn Road in Ely.
- Location: Land North of Cam Drive, Ely Cambridgeshire
- Applicant: Endurance Estates
- Public access link: <http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SDMXPLGGM3T00>
- 6. Planning Performance Report – November 2024** **[Page 33]**
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## Notes

- Members of the public are welcome to attend this meeting. Please report to the main reception desk on arrival at The Grange. Visitor car parking on-site is limited to 1h but there are several [free public car parks close by](https://www.eastcambs.gov.uk/parking/car-parks-ely) (<https://www.eastcambs.gov.uk/parking/car-parks-ely>). The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints this will normally give a capacity for public attendance of 30 seated people and 20 standing. Public access to the Council Chamber will be from 30 minutes before the start of the meeting and, apart from for registered public speakers, is on a “first come, first served” basis.
- The livestream of this meeting will be available on [the committee meeting's webpage](https://www.eastcambs.gov.uk/node/1415) (<https://www.eastcambs.gov.uk/node/1415>). Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.
- The Council has a scheme to allow [public speaking at Planning Committee](https://www.eastcambs.gov.uk/committees/public-speaking-planning-committee) (<https://www.eastcambs.gov.uk/committees/public-speaking-planning-committee>). If you wish to speak on an application being considered at the Planning Committee please contact the Democratic Services Officer for the Planning Committee [democratic.services@eastcambs.gov.uk](mailto:democratic.services@eastcambs.gov.uk), to **register by 10am on Tuesday 14<sup>th</sup> January**. Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to attend in person. Please note that public speaking, including a statement being read on your behalf, is limited to 5 minutes in total for each of the following groups:

- Objectors
  - Applicant/agent or supporters
  - Local Ward Councillor
  - Parish/Town Council
  - County Councillors
  - National/Statutory Bodies
3. The Council has adopted a 'Purge on Plastics' strategy and is working towards the removal of all consumer single-use plastics in our workplace. Therefore, we do not provide disposable cups in our building or at our meetings and would ask members of the public to bring their own drink to the meeting if required.
4. Fire instructions for meetings:
- if the fire alarm sounds, please make your way out of the building by the nearest available exit, which is usually the back staircase or the fire escape in the Chamber and do not attempt to use the lifts
  - the fire assembly point is in the front staff car park by the exit barrier
  - the building has an auto-call system to the fire services so there is no need for anyone to call the fire services
  - the Committee Officer will sweep the area to ensure that everyone is out
5. Reports are attached for each agenda item unless marked "oral".
6. If required, all items on the agenda can be provided in different formats (such as large type, Braille or audio tape, or translated into other languages), on request, by calling main reception on (01353) 665555 or e-mail: [translate@eastcambs.gov.uk](mailto:translate@eastcambs.gov.uk)
7. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

"That the press and public be excluded during the consideration of the remaining item no(s). X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Category X of Part I Schedule 12A to the Local Government Act 1972 (as amended)."

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# East Cambridgeshire District Council

## **Minutes of a Meeting of the Planning Committee**

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 2:00pm on  
Wednesday 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 6<sup>th</sup> November 2024.

It was resolved unanimously:

That the Minutes of the Planning Committee meeting held on 6<sup>th</sup> 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 1<sup>st</sup>, 2025.
- Holly Durrant had been promoted from Senior Planning Officer to Major Projects Officer, effective January 1<sup>st</sup>, 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 odds 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 7<sup>th</sup> of August and one later in 2019. Outline consent was given on the 5<sup>th</sup> of February 2020. It took the developers nearly two years, until the 26<sup>th</sup> 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.

The meeting concluded at 16:25pm.

Chair.....

Date.....

**24/00510/VARM**

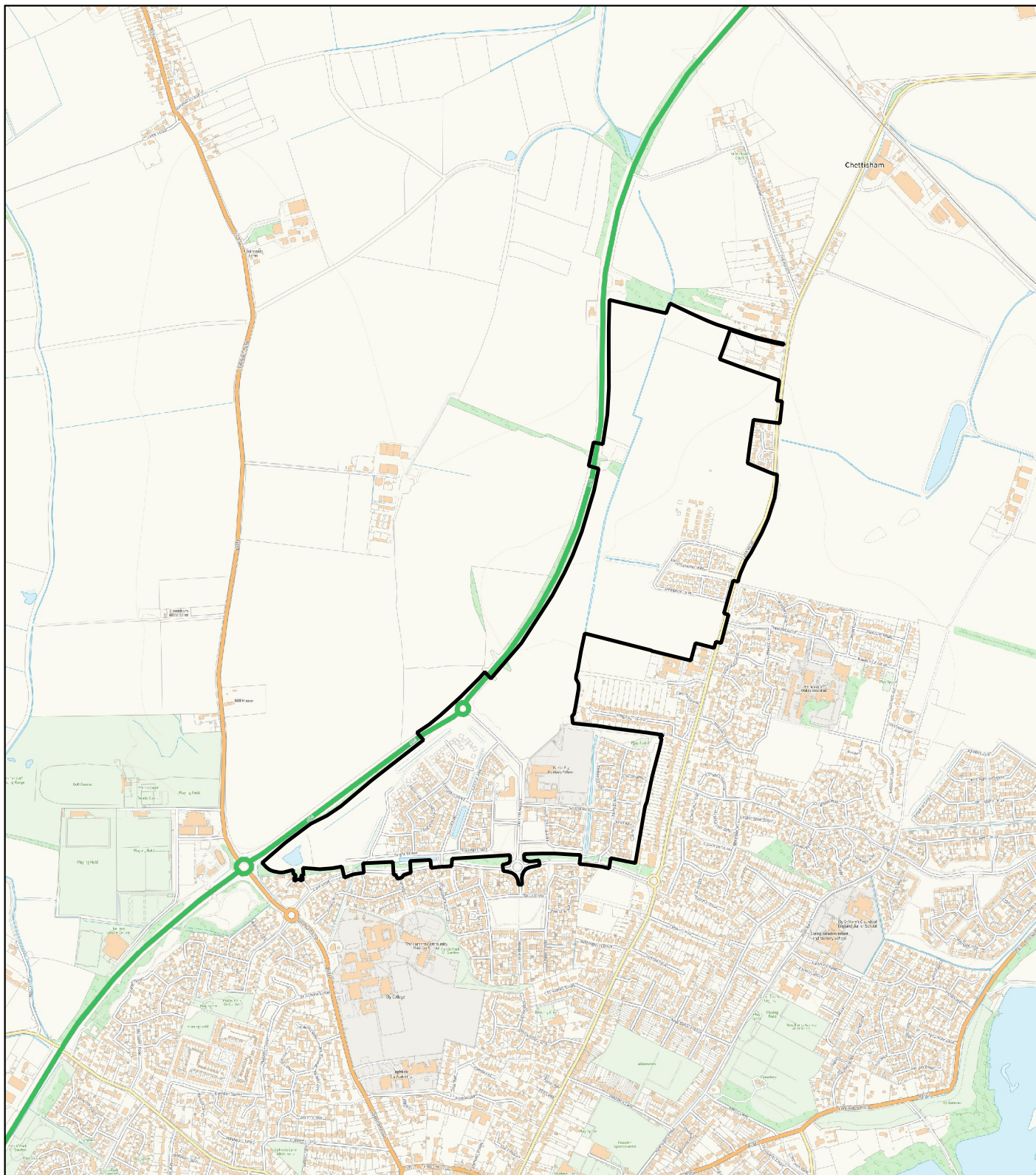
Land North Of  
Cam Drive  
Ely  
Cambridgeshire

To Vary Conditions 3 (Development Specification, Plans & Documents), 4 (Site-wide Phasing Plan), 51 (Flexible Dwellings), 65 (Business B1 Use), 66 (Hours of Opening (A3,A4, A5 uses)) and 67 (Sub-division/amalgamation of Uses) of previously approved 13/00785/ESO for Residential led development of up to 1,200 homes with associated employment and community uses (including care home or extra care home). Supporting infrastructure, and open space/landscaping on land to the west of Lynn Road in Ely

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SDMXPLGGM3T00>





24/00510/VARM

Land North Of  
Cam Drive  
Ely



East Cambridgeshire  
District Council

Date: 24/12/2024  
1:15,000



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**TITLE: 24/00510/VARM**

Committee: Planning Committee

Date: 15/01/2025

Author: Catherine Looper, Major Projects Planning Officer

Report No: Z119

Contact Officer: Catherine Looper, Major Projects Planning Officer  
catherine.looper@eastcambs.gov.uk  
01353 616205  
Room No 011 The Grange Ely

**Site Address: Land North of Cam Drive, Ely, Cambridgeshire**

**Proposal: To Vary Conditions 3 (Development Specification, Plans & Documents), 4 (Site-wide Phasing Plan), 51 (Flexible Dwellings), 65 (Business B1 Use), 66 (Hours of Opening (A3,A4, A5 uses)) and 67 (Sub-division/amalgamation of Uses) of previously approved 13/00785/ESO for Residential led development of up to 1,200 homes with associated employment and community uses (including care home or extra care home). Supporting infrastructure, and open space/landscaping on land to the west of Lynn Road in Ely**

**Applicant: Endurance Estates**

**Parish: Ely**

**Ward: Ely North**

Ward Councillor/s: Chika Akinwale  
Alison Whelan

**Date Received: 17 May 2024**

**Expiry Date: 24 January 2025**

**1.0 RECOMMENDATION**

1.1 Members are recommended to REFUSE the application for the following reasons:

- 1 Insufficient evidence and justification has been received regarding the loss of community facilities within the development, and it has not been demonstrated that the proposed alternative uses would provide greater benefits to the settlement or community, contrary to policy COM3 of the East Cambridgeshire Local Plan 2023 (as amended).

## **2.0 SUMMARY OF APPLICATION**

2.1 The application seeks to make alterations to the Development Specification previously approved under application 13/00785/ESO. A summary of the changes are as follows:

- Remove Public House/ Restaurant.
- Smaller Work Hub within Community Building 400sqm (previously separate units with total floorspace 1080sqm).
- Increase of retail units from 4 to 5, with same floorspace as previous.
- Amendment to use classes for retail element to include Sui Generis for wine bar/drinking establishment.
- Removal of micro library from development specification.
- Removal of purpose built live/work units.
- Increase in building height parameters for south-eastern corner of mixed-use development by 0.5 storeys (would now read 'up to 3 storeys').
- Regularise use classes listed due to changes in use classes legislation.
- Estimated jobs created has reduced from 250 to 178.
- Changes to wording of conditions 3, 4, 51, 65, 66, 67 to reflect the above.

2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

## **3.0 PLANNING HISTORY**

### **3.1 13/00785/ESO**

Residential led development of up to 1,200 homes with associated employment and community uses (including care home or extra care home). Supporting infrastructure, and open space/landscaping on land to the west of Lynn Road in Ely

**Approved**

26 November 2014

## **4.0 THE SITE AND ITS ENVIRONMENT**

4.1 The site is located to the northern fringes of the City of Ely and is covered by the North Ely allocation site within the East Cambridgeshire Local Plan 2015 (as amended). Elements of the North Ely development are at various stages with some areas awaiting reserved matters applications, some areas complete and occupied, and some areas under construction. The proposed alterations relate to the Cam Drive Local Centre which is positioned off Cam Drive, at the most southern portion of the allocation.

## **5.0 RESPONSES FROM CONSULTEES**

5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

**Parish - 20 August 2024**

The City of Ely Council has serious concerns regarding the reduction in community space, particularly leisure areas. Members felt that the application differs too far from facilities that were originally planned.

**Ward Councillors - No Comments Received**

**Local Highways Authority - 21 August 2024**

I have no comments or recommendations to provide, on the application listed above, following the additional information provided.

**Environmental Health - 29 May 2024**

I have read the Justification Statement and have no comments to make at this time.

**Lead Local Flood Authority - 17 June 2024**

The application for the variation of conditions does not appear to have any surface water flood risk or drainage implications therefore we have no comments to make.

**Sport England - 11 June 2024**

Sport England initially commented the following on the full planning application (referenced 13/00785/ESO) -

'The proposal includes community playing fields and a multi-use games area totalling 1.94ha. The adopted standard should be 4.04ha. Whilst overall levels of open space meet policy requirements, outdoor sport provision falls below the minimum standard and we therefore Object to the proposals. We accept that it may be preferable to meet provision elsewhere in the city through enhancements of other schemes, but this cannot be guaranteed. Improved facilities are needed for hockey, cricket, football. Should planning permission be granted we request conditions to ensure new playing fields are constructed to a suitable standard, with an appropriate ground condition assessment, retention of the facilities for outdoor sport only, and a management and maintenance scheme. Development of this scale will create demand for indoor sports, such as swimming pools and sports halls. We note the application proposes this be met 'off-site'. We agree on-site provision is not justified but an appropriate sum, in lieu, for provision elsewhere, should be made by the developer.'

Sport England then commented the following on the second round of consultation:

'We originally objected to the lack of outdoor sport provision and the amendments do not address this issue and therefore our original comments stand.'

The proposed variations to conditions 3, 4, 51, 65, 66 and 67 do not change the points previously expressed by Sport England regarding the initial planning application. Additionally, the planning conditions related to the sports ground, pitch, and MUGA (conditions 47 and 64) remain unaffected. Consequently, Sport England do not have any comments on this variation of condition application.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agenda(s), report(s) and



committee date(s). Please notify Sport England of the outcome of the planning application

**Waste Strategy (ECDC) - 15 July 2024**

o East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).

o With reference to the waste strategy previously submitted, please notice that the service will undergo significant changes: the introduction of a black bin for refuse waste and separate food waste collections by March 2026 (Simpler Recycling reforms); adequate bin storage and bin collection points will need to be provided to reflect this.

o Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision (delivery and administration) of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.

o Each new property requires a set of receptacles; the contribution is currently £60.50 per set. We would recommend the developer made the contribution on behalf of the residents. Please note that the bins remain the property of East Cambridgeshire District Council.

o Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to [waste@eastcambs.gov.uk](mailto:waste@eastcambs.gov.uk) detailing the payment amount and the planning reference number.

**Anglian Water Services Ltd - 28 May 2024**

The application is not related to drainage therefore we have no comments to make. Please do not hesitate to consult us for drainage related matters

**Cambridgeshire Fire And Rescue Service - 19 June 2024**

Should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.

**Design Out Crime Officers - 11 June 2024**

Thank you for the opportunity to comment on this application. I have viewed the documents in relation to crime, disorder, and the fear of crime.

I have no comment or objection to the above variation of conditions 3 (Development Specification, Plans & Documents), 4 (Site-wide Phasing Plan), 51 (Flexible



Dwellings), 65 (Business B1 Use), 66 (Hours of Opening (A3,A4, A5 uses)) and 67 (Sub-division/amalgamation of Uses).

**Ramblers Association South - 28 May 2024**

This point has been emphasised on numerous occasions during the twelve years or so that I have been in post. For ease of reference, 'my parishes' are Ashley, Brinkley, Burrough Green, Cheveley, Chippenham, Dullingham, Kennett, Kirtling, Snailwell, Stetchworth, Westley Waterless and Woodditton.

I can do no better than to suggest that you consult the Cambridge Group of Ramblers on relevant planning applications elsewhere in your District

**County Highways Transport Team - No Comments Received**

**Strategic Planning - No Comments Received**

**Economic Development - No Comments Received**

**Infrastructure & Strategic Housing Manager - ECDC - No Comments Received**

**Consultee For Other Wards In Parish - No Comments Received**

**City Of Ely Allotment Association - No Comments Received**

**Cambridgeshire County Council Education - No Comments Received**

**Minerals And Waste Development Control Team - No Comments Received**

**Head Of Strategic Planning - No Comments Received**

**Planning Casework Unit - No Comments Received**

**Community & Leisure Services - No Comments Received**

**Cambridgeshire Archaeology - No Comments Received**

**Network Rail - No Comments Received**

**CCC New Communities - 24 May 2024**

**ECDC Trees Team - No Comments Received**

**Conservation Officer - No Comments Received**

**Strategic Planning - No Comments Received**

**Housing Section - No Comments Received**

**Secretary, Cambridgeshire Local Access Forum - No Comments Received**

**Environment Agency - No Comments Received**

**The Ely Group Of Internal Drainage Board** - No Comments Received

**Natural England** - No Comments Received

**Asset Information Definitive Map Team** - No Comments Received

**Cambs Wildlife Trust** - No Comments Received

**Technical Officer Access** - No Comments Received

**C P R E** - No Comments Received

5.2 A site notice was displayed near the site on 27<sup>th</sup> June 2024 and a press advert was published in the Cambridge Evening News on 6 June 2024.

5.3 Neighbours – 316 neighbouring properties were notified and responses from two properties have been received. The responses are summarised below. A full copy of the responses are available on the Council's website.

- Several properties had the potential of a pub included in their valuation.
- The alternative to the pub is not appropriate to the area – not enough amenities in the local area for an older person (buses reducing in frequency, no seats/benches).
- The loss of the pub would reduce the amount of parking which is already a concern during the school run.
- The reasons cited for no market interest for a pub are too close to the pandemic to be taken without a pinch of salt.
- The survey cited in support of the wine bar was asking some very leading questions – it should be available for review.
- The change in provision of floor space for a work hub is another loss of an important amenity.
- I welcome the inclusion of some retail outlets but its unclear why they are positioned in two places.
- It seems we need another old folk's home, so this seems uncontentious.
- The proposed playground next to Lynn Road seems an odd decision.
- An inadequate sports field would be a serious lack of amenity for the community.
- Concern that the development only allows for 10% of renewable energy across the site.
- There seems to be some loss of green space.
- Pleased to see that provision would be made for cycle and pathways to connect the whole development.

## **6.0 THE PLANNING POLICY CONTEXT**

- 6.1 East Cambridgeshire Local Plan 2015 (as amended 2023) (the 'Local Plan')
- |          |  |
|----------|--|
| GROWTH 1 | Levels of housing, employment and retail growth  |
| GROWTH 2 | Locational strategy                              |
| GROWTH 3 | Infrastructure requirements                      |
| GROWTH 4 | Delivery of growth                               |
| GROWTH 5 | Presumption in favour of sustainable development |

HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
HOU 6	Residential care accommodation
EMP 1	Retention of existing employment sites and allocations
EMP 7	Tourist facilities and visitor attractions
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 1	Location of retail and town centre uses
COM 3	Retaining community facilities
COM 4	New community facilities
COM 5	Strategic green infrastructure
COM 7	Transport impact
COM 8	Parking provision
ELY 1	Housing-led sustainable urban extension, North Ely

- 6.2      Supplementary Planning Documents
  - North Ely SPD
  - Design Guide
  - Developer Contributions and Planning Obligations
  - Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
  - Flood and Water
  
- 6.3      National Planning Policy Framework (December 2024)
  - 2    Achieving sustainable development
  - 4    Decision-making
  - 5    Delivering a sufficient supply of homes
  - 6    Building a strong competitive economy
  - 7    Ensuring the vitality of town centres
  - 8    Promoting healthy and safe communities
  - 9    Promoting sustainable transport
  - 11   Making effective use of land
  - 12   Achieving well-designed and beautiful places
  - 14   Meeting the challenge of climate change, flooding and coastal change
  - 15   Conserving and enhancing the natural environment
  - 16   Conserving & enhancing the historic environment
  
- 6.4      Planning Practice Guidance

## 7.0 **PLANNING COMMENTS**

### 7.1 Summary of Proposed Changes to Development Specification

- Remove Public House/ Restaurant.
- Smaller Work Hub within Community Building 400sqm (previously separate units with total floorspace 1080sqm).
- Increase of retail units from 4 to 5, with same floorspace as previous.
- Amendment to use classes for retail element to include Sui Generis for wine bar/drinking establishment.
- Removal of micro library from development specification.
- Removal of purpose built live/work units.
- Increase in building height parameters for south-eastern corner of mixed use development by 0.5 storeys (would now read 'up to 3 storeys').
- Regularise use classes listed due to changes in use classes legislation.
- Estimated jobs created has reduced from 250 to 178.
- Changes to wording of conditions 3, 4, 51, 65, 66, 67 to reflect the above.

7.2 The local centres should provide for community facilities under the ELY1 policy of the Local Plan. As a strategic site, the services and facilities required within the local centres are important in catering for the needs of residents occupying the 1200 approved homes.

7.3 The proposed increase in retail units, albeit with the same previously approved floorspace, is not considered to significantly alter the proposals or dilute the value of the community facilities, nor is the alteration to include a Sui Generis use for a drinking establishment. The retail units would have approximately 112sqm each (560sqm total) and are considered to be useable floorspaces. The addition of Sui Generis (drinking establishment) in the retail units is also considered to be acceptable as this would provide a variety of uses which would benefit the community. The increase in the building height parameters for the south-eastern corner of the site by half a storey is not considered to be detrimental to the purpose of the local centre. The removal of the live/work units is not considered to be detrimental to the development as a whole. Cambridgeshire County Council have not objected to the removal of the micro-library as the library service have recognised that it is no longer deliverable. They have however noted that the removal of the micro-library will place additional pressure on library resources and have requested that in order to mitigate this they would seek a contribution towards Ely Library based on £15 per head of new population to provide additional books, resources and equipment. Should members be minded to approve the application, there would be expectation that the developers would enter into Deed Of Variation to the S106 agreement to make provision for increased demand on library services which would have previously been mitigated by the micro-library provision.

7.4 The previously approved public house / restaurant would have a floorspace of approximately 700sqm and provide a social meeting place for local people. Under the proposed variation, the public house / restaurant would be removed from the development specification and replaced with retirement homes (Use Class C3). Paragraph 7.4.2 of the Local Plan seeks to prevent the loss of services and facilities unless there are exceptional reasons to justify it. Paragraph 7.4.3 of the Local Plan

sets out that in the case of community facilities being proposed to change use, applicants need to demonstrate that the facility is neither viable nor likely to become viable for that use or an alternative community use. It also sets out that applicants will need to provide evidence that premises have been marketed locally and nationally for 12 months for the current use or an alternative local commercial or community facility, free of ties and restrictive covenants, at a price agreed with the Council following an independent professional valuation - and that there has been no interest in continued use as a community facility. Applicants should also provide evidence that all reasonable efforts have been made to preserve the facility including all diversification options.

7.5 The applicant has submitted a Justification Report alongside the application submission and has provided the results of their public engagement questionnaire. The justification report sets out that 9 offers were received for the local centre at Cam Drive but gives no detail about what those offers were or why they were not progressed. The report sets out that only 1 offer was received for the whole local centre site, but provides no justification for why only an offer for the whole site has been considered. The application submitted includes no marketing information or reports on the results of marketing activities. The public engagement questionnaire that was provided to the Council following submission of the application consists of a public engagement flyer, a blank questionnaire form, and a Microsoft Word document with responses input. The questionnaire sent out sets out that the local centre site is intended to provide:

- Community Hub
- 10,000sqft food store with 3 ancillary retail units
- Childrens day nursery
- Retirement Living facility for the over 55s
- Parking, access and landscaping

7.6 It is noted that the questionnaire sent out makes no reference to the previously approved public house/ restaurant or whether its replacement would be supported or objected to by the local community.

7.7 The pre-amble to policy COM3: Retaining Community Facilities specifies in paragraph 7.4.1 that public houses are considered community facilities. It is noted that the application proposes the loss of a public house / restaurant and the inclusion of a nursery facility, which could be considered an alternative community facility. However, policy COM3 is specific in setting out that proposals that lead to the loss of a community facility will only be permitted if it would involve the provision of an alternative community facility which brings demonstrable greater benefits to the settlement or neighbourhood.

7.8 While it is acknowledged that a nursery would provide an alternative community facility, the applicant has failed to demonstrate that this change would provide 'demonstrable greater benefits' as required by policy COM3. In addition to the inclusion of a nursery under the current proposals, retirement living accommodation is also proposed which falls under Use Class C3 for residential dwellings. It is noted that this type of accommodation is already provided for within the specification for the Lynn Road local centre. Furthermore, the development specification does not specify a proposed floorspace or number of units that could come forward at a reserved

matters stage. It is considered that the previously approved public house / restaurant provided a social meeting place for a wide range of the local community and helped to create a balance of uses within the local centre. The proposed nursery would provide an educational/childcare service, but would only cater to a specific portion of the local community. While a nursery facility would not be an unacceptable use in the area, its introduction, as well as the introduction of residential dwellings in the form of retirement living, should not compromise a balanced provision of community facilities.

## 7.9 Planning Balance

- 7.10 On balance, there are a number of changes proposed which are not considered to impact the North Ely development such as the increase in retail units with the same previously approved floorspace, the removal of the live/work units, the addition of Sui Generis (drinking establishment) in the retail units, and the increase in building height parameters. However, it is considered that the proposed amendment to remove the public house / restaurant from the scheme, and replacement with a nursery and retirement living has not been sufficiently justified. The applicant has been provided the opportunity to submit more robust justification and evidence of efforts to deliver the approved uses, however no further information has come forward, such as marketing information, sales particulars, information on any reductions in asking price, details of interest enquiries, details of offers received and whether these were pursued.

## 8.0 **COSTS**

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

## 9.0 **APPENDICES**

### Background Documents

24/00510/VARM

13/00785/ESO

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>





## Planning Performance – November 2024

Planning will report a summary of performance. This will be for the month before last month, as this allows for all applications to be validated and gives a true representation.

All figures include all types of planning applications.

### Determinations

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
<b>Determinations</b>	<b>131</b>	<b>4</b>	<b>17</b>	<b>21</b>	<b>10</b>	<b>24</b>	<b>34</b>	<b>11</b>
<b>Determined on time (%)</b>		<b>100%</b> (90% within 13 weeks)	<b>82%</b> (80% within 8 weeks)	<b>95%</b> (90% within 8 weeks)	<b>100%</b> (90% within 8 weeks)	<b>67%</b> (80% within 8 weeks)	<b>100%</b> (100% within 8 weeks)	<b>n/a</b>
<b>Approved</b>	<b>101</b>	<b>3</b>	<b>16</b>	<b>19</b>	<b>9</b>	<b>22</b>	<b>32</b>	<b>n/a</b>
<b>Refused</b>	<b>9</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>n/a</b>

### Validations – 86% validated within 5 working days (ECDC target is 85%)

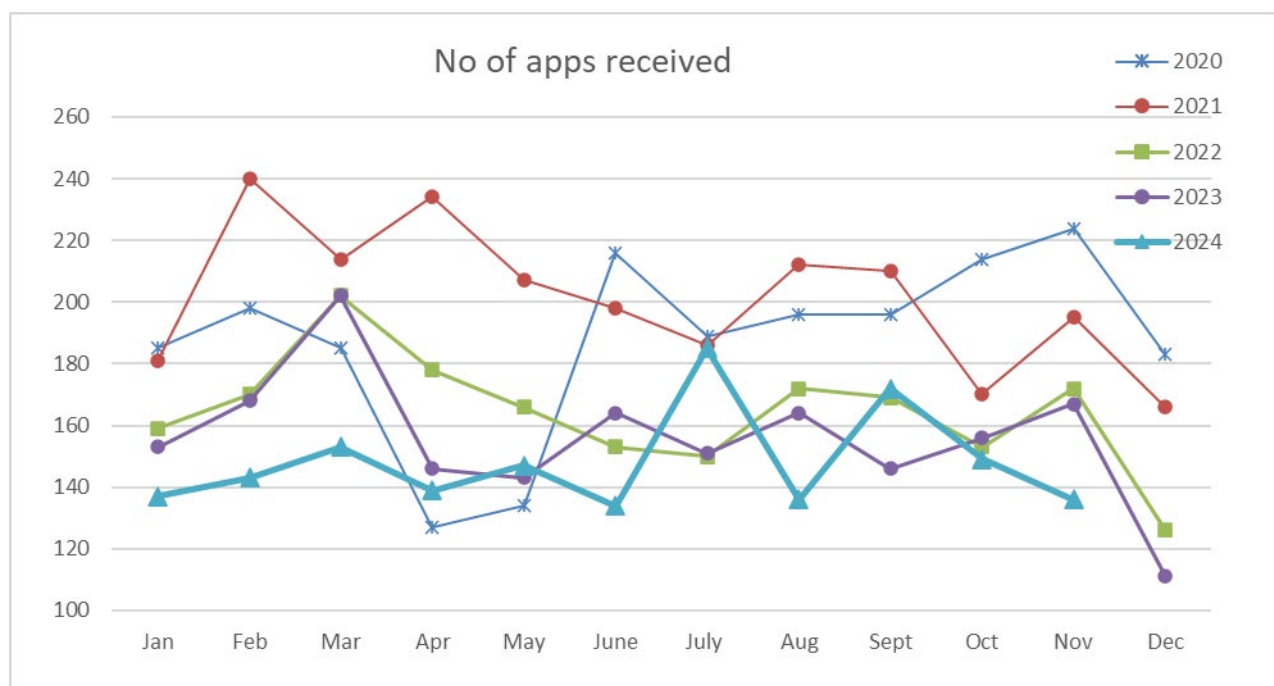
	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
<b>Validations</b>	<b>145</b>	<b>3</b>	<b>38</b>	<b>33</b>	<b>8</b>	<b>23</b>	<b>30</b>	<b>10</b>

### Open Cases by Team (as at 23/12/2024)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
<b>Team North (5 FTE)</b>	<b>184</b>	<b>16</b>	<b>40</b>	<b>27</b>	<b>24</b>	<b>58</b>	<b>0</b>	<b>19</b>
<b>Team South (6 FTE)</b>	<b>154</b>	<b>9</b>	<b>32</b>	<b>24</b>	<b>20</b>	<b>51</b>	<b>0</b>	<b>18</b>
<b>No Team (3 FTE)</b>	<b>32</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>28</b>	<b>0</b>

(No Team includes – Trees Officer, Conservation Officer and Service Development and Technical Support Team Leader)

The Planning department received a total of 136 applications during November which is 19% decrease of number received during November 2023 (167) and 9% decrease to the number received during October 2024 (149).



### Valid Appeals received – 4

Planning reference	Site Address	Decision Level
24/00288/FUL	Site To The East Of 38A Chapel Lane Wicken Cambridgeshire	DEL
24/00441/FUL	Land North West Of 3 Arthurs Way Fordham Cambridgeshire	DEL
24/00479/FUL	48 Mill Lane Stetchworth Newmarket Suffolk CB8 9TR	COMM
24/00853/PIP	Land North Of Kings Head Public House Brinkley Road Dullingham	DEL

### Appeals decided – 0

### Upcoming Hearing dates – 1

Planning reference	Site Address	Date of Hearing
24/00300/VAR	Old Tiger Stables House 22A Northfield Road Soham	14/01/2025
ENFORCEMENT	Old Tiger Stables House 22A Northfield Road Soham	14/01/2025

### Enforcement

New Complaints registered – 11 (0 Proactive)

Cases closed – 20 (1 Proactive)

Open cases per Officer (2.6fte) - 186 (18 Proactive)/2.6fte = 71 FTE

### Notices served – 0

### Comparison of Enforcement complaints received during November

Code	Description	2023	2024
<b>ADVERT</b>	Reports of unauthorised adverts	2	1
<b>COND</b>	Reports of breaches of planning conditions	2	2
<b>CONSRV</b>	Reports of unauthorised works in a Conservation Area	0	1
<b>DEM</b>	Reports of unauthorised demolition in a Conservation Area	0	0
<b>HEDGE</b>	High Hedge complaints dealt with under the Anti-Social Behaviour Act	0	0
<b>LEGOB</b>	Reports of breaches of Legal Obligation (NEW CODE)	0	0
<b>LISTED</b>	Reports of unauthorised works to a Listed Building	0	1
<b>MON</b>	Compliance Monitoring	0	0
<b>OP</b>	Reports of operational development, such as building or engineering works	7	2
<b>OTHER</b>	Reports of activities that may not constitute development, such as the siting of a mobile home	1	0
<b>PLAN</b>	Reports that a development is not being built in accordance with approved plans	0	2
<b>PRO</b>	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	2	0
<b>TRECON</b>	No notice of tree works in a Conservation area	0	1
<b>UNTIDY</b>	Reports of untidy land or buildings harming the visual amenity	1	0
<b>USE</b>	Reports of the change of use of land or buildings	5	1
<b>TOTAL</b>		<b>20</b>	<b>11</b>