



# East Cambridgeshire District Council

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## Meeting: Planning Committee

Time: 2:00 pm

Date: Wednesday 6 May 2026

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 Lavinia Edwards  
Cllr Mark Goldsack (Vice Chair)  
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 members

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

### Liberal Democrat and Independent substitutes

Cllr Kathrin Holtzmann  
Cllr Mary Wade

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

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**11 am** Planning Committee members meet at The Grange reception for site visit.

## 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 1 April 2026.
- 4. Chair’s announcements** **[oral]**
- 5. 26/00009/FUL – North East of 70 St Johns Avenue** **Page 23**  
Location: Land North East of 70 St Johns Avenue, Newmarket, Cambridgeshire  
Applicant: CD Property Webb  
Public access link: [26/00009/FUL | Construction of 1 no. two bedroom, single storey detached dwelling | Land North East Of 70 St Johns Avenue Newmarket Suffolk](#)  
Construction of a single two bedroom, single storey detached dwelling.
- 6. Planning performance report – March 2026** **Page 51**
- 7. Annual performance in resolving planning enforcement cases** **Page 55**

## **Exclusion of the public including representatives of the press**

That the press and public be excluded during the consideration of the remaining items 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 items there would be disclosure to them of exempt information in categories 1, 2 and 7 of Part I Schedule 12A to the Local Government Act 1972 (as amended).

- 8. Quarterly performance in resolving planning enforcement cases**

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## **Notes**

1. 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-open-spaces-and-toilets/car-parks/car-parks-ely) (https://www.eastcambs.gov.uk/parking-open-spaces-and-toilets/car-parks/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/2658) (<https://www.eastcambs.gov.uk/node/2658>). Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.

2. The Council has a scheme to allow [public speaking at Planning Committee](https://www.eastcambs.gov.uk/public-participation-meetings/speak-committee-meeting) (<https://www.eastcambs.gov.uk/public-participation-meetings/speak-committee-meeting>). 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 5 May**. 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).”





# 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 1 April 2026

### **Present:**

Cllr Christine Ambrose Smith  
Cllr Christine Colbert  
Cllr Lavinia Edwards  
Cllr Mark Goldsack (Vice-Chair)  
Cllr Martin Goodearl  
Cllr Bill Hunt (Chair)  
Cllr James Lay  
Cllr Ross Trent  
Cllr Alan Sharp  
Cllr John Trapp  
Cllr Christine Whelan

### **Officers:**

Patrick Adams – Senior Democratic Services Officer  
Kevin Breslin – Locum Planning Lawyer  
Sophie Browne – Planning Team Leader  
Kevin Drane – Tree Protection Officer  
Daisy Hill – Senior Planning Officer  
David Morren – Strategic Planning and Development Management Manager  
Christopher Smith – Environmental Health Officer  
Gavin Taylor – Major Projects Officer

### **In attendance:**

Martin Blunden, Greenfire Solutions  
Cllr Lucius Vellacott, as local member  
ECDC Comms  
Members of the public

## **60. Apologies and substitutions**

Apologies for absence were received from Cllr Chika Akinwale.

## **61. Declarations of interest**

None

## **62. Minutes**

The Minutes of the meeting held on 4 March 2026 were agreed as a correct record, subject to the inclusion of the following as the seventh paragraph on page 13:

- In reply to Cllr Christine Whelan, Sam Robinson confirmed that the developer had not met anyone from the County Council Highways department on site.

## **63. Chair's announcements**

The Chair announced that after many years in the role, Sarah Parisi was moving from planning administration into a new position at the Council. The Chair thanked Sarah for her work.

## **64. 25/00303/FUM – North of Church Road, Wicken**

Gavin Taylor, Major Projects Officer, presented a report (AA183, previously circulated) recommending approval for the installation of up to 400MW of Battery Energy Storage Systems and associated infrastructure for a temporary period of 35 years. He explained that the proposed conditions in the report had been amended to include the recommendations from the Greenfire report and to delegate authority to the Strategic Planning & Development Management Manager to finalise the pre-commencement conditions, if necessary.

The Committee received the following statement from objector Bill Pepper, Chair of Wicken Parish Council:

“Having lived in Wicken for 20 years, I cannot recall a planning application which has caused such a negative reaction and universal opposition more than this one. Residents are quite rightly very concerned about this application and this has been expressed directly to me, to the parish council and to East Cambridgeshire District Council, via comments on the planning portal. We believe that the application is contrary to the following policies in the Local Plan and which notably were also the grounds for refusal of the recent Burwell battery storage application, a smaller and arguably less visual development than this one. We believe that it is contrary to policy ENV1 – landscape and settlement character, due to the inappropriate location and the resulting visual impact of the development in the rural countryside. The proposed development amongst other places will be clearly visible from the A1123, the Wicken to Soham road, blighting the unique open vistas across Soham Mere towards Ely and its cathedral. Visually the proposal is directly comparable to dumping a large drainage storage compound on a greenfield site in open countryside and is tantamount to the industrialisation of the rural landscape. We also note that in paragraph 4.1.1 of the supporting planning statement, which states that the planning site is a logical location, adjacent to the existing solar park. We would however, strongly argue that it is not logical at all. The proposal will not draw any power from the solar park, relying instead on electricity coming all the way from the Burwell substation some two miles away and we would further say that the proposal only adds to the visual and audio intrusion of this countryside setting. We also consider that the proposed landscaping scheme is merely

perfunctory, superficial and amounts to nothing more than putting lipstick on a gorilla. We further believe that the application is contrary to policy ENV2 – design, due to the loss of amenity and public recreation. The site is directly adjacent to public rights of way and the proposal due to the noise from constant humming of cooling fans and visual intrusion would negatively impact on the enjoyment of walkers, cyclists and more. Just at the weekend I took my dogs for a walk along the footpaths, adjacent to the site, and enjoyed skylarks singing and roe deer grazing, all of which will vanish if the proposal proceeds, despite the claims of increased biodiversity. The Council has also recently opened, at great expense, the much anticipated Wicken to Soham cycleway and the proposal will only detract from this well-used and very popular route. We also believe that the application is contrary to ENV9 – pollution, due to the associated noise affecting nearby residents and also the risk of toxic fumes to both Wicken and Soham residents in the event of fire. The nearest houses to the development site are a mere third of a mile away. We also have concerns in the event of a fire of a sufficient water supply and possible contamination of the adjacent drainage system and we also have doubts regarding security given the rural and isolated location. In addition to the above, we believe that there are sufficient health and safety issues regarding the access route to the site and its suitability. The proposed route is nothing more than a narrow sub-standard farm track, broken and uneven in many places and the fact that it is shared with a popular public footpath obviously leads to health and safety concerns. We also note the concerns of Charlotte Cane our local MP and her petition for national safety standards for battery storage and given the obvious and well publicised risk, surely such a standard should be adopted before large schemes such as this are approved. In summary, Wicken Parish Council objects to the application for all the same reasons and more, given for the Burwell Bess refusal, least of all the detrimental effect to the rural landscape and we trust that the Committee supports the views of many in both Wicken and Soham parishes. I would just like to note also that as a parish council we did not receive official notification of the application; we only heard about it via our local councillor.”

Councillors were invited to ask questions to Bill Pepper.

In reply to Cllr James Lay, Bill Pepper confirmed that there were two homes a third of a mile away from the proposed site.

In reply to Cllr Christine Ambrose Smith, Bill Pepper reported that the site had been determined as being in Soham and so Wicken Parish Council were not sent an official notification of the planning application.

In reply to Cllr Lavinia Edwards, Bill Pepper stated that in his opinion the proposed application would have a greater impact on the surrounding countryside than a similar one at Burwell.

In reply to Cllr John Trapp, Bill Pepper explained that according to Google Maps, the distance of the site to residents appeared to be similar to that of the Burwell application. In reply to Cllr Christine Ambrose Smith, he stated that the site was too close to residents.

In reply to Cllr Alan Sharp, Bill Pepper stated that a number of residents currently use the proposed access road as a footpath.

The Committee received the following statement from Jon Storey on behalf of the applicant.

“The proposed Bess supports the electrification of the grid, reducing our reliance on foreign energy imports. The recent wars in Ukraine and Iran have highlighted the need for the UK to become energy independent and reduce our susceptibility to volatile oil and gas prices. The Government is committed to becoming energy independent through significant grid upgrades and strong support for green energy development. The intermittent nature of renewables and grid frequency impact means that there is significant need for storage, especially as the UK’s energy demand is expected to at least double by 2050. The UK government is committed to achieving net zero emissions by 2050, meaning that this target relies heavily on renewable energy while maintaining energy security and the reliability of the network. This is reflected locally too, with East Cambs declaring a climate emergency in 2019, along with the adoption of an environmental plan, recognising a global biodiversity emergency. The proposal will deliver a net gain of 129% with an enhancement of the watercourse in the wetland area. The surrounding landscape has no local or statutory designations. The location of the battery storage development has been sited near existing energy infrastructure to minimise its impact on the landscape. Further screening measures, through hedgerow and tree planting would mitigate the visual impact of the proposal. The location of the battery units have been pushed away from Soham and Wicken bridleway to minimise the impact on this public route. The BESS units are located approximately 490 metres from the nearest property and the supporting noise assessment, which has assessed the worst case scenario, shows not significant adverse impact on the national framework. Low frequency noise has also been assessed, which shows a low impact. It is recognised that there will be noise at the bridleway, south of the proposal, however, this will be a small portion of it and only when the scheme is operating. The proposal incorporates a right of way strategy, which separates construction traffic from right of way users and includes temporary bollards to keep people safe on footpath 27 during the construction period. Drainage infrastructure has been designed to retain any firewater and prevent any potentially contaminated water from reaching the environment. A geotextile membrane is also located beneath the base platform to prevent leaching of hydrocarbons and suspended solids on site into the fluvial network during operation. The national framework provides significant support for battery storage development and the draft framework looks to strengthen this even further. Local policy ENV6 is consistent with the framework, providing strong support for local carbon infrastructure, which can only be outweighed by significant adverse impacts. The applicant and the Local Planning Authority do not identify any adverse impacts and we recommend the application be approved.”

The Committee received the following statement from Vivek Kodige on behalf of the applicant.

“Building on my colleagues’ remarks, I must reiterate the strategic imperative underpinning this application. The geopolitical conflicts in Ukraine and Iran have exposed a severe vulnerability inherent in relying on imported fossil fuels. Achieving true energy security requires domestic renewable generation and utility scale battery storage is the fundamental prerequisite for capturing that power and maintaining a resilient national grid. While this national need is undeniable, we fully acknowledge our obligations to ensure absolute safety locally. ECDC commissioned an independent verification and compliance report from Greenfire Solutions. The independent appraisal rigorously evaluated the proposed site against the newly adopted National Fire Chiefs Council version 2 guidance. I wish to highlight three critical safeguards validated by the independent report and our detailed safety strategy. First, regarding technology. We are mandating lithium iron phosphate chemistry, which is explicitly recognised by the Government and verified by Greenfire Solutions to offer superior thermal stability and a significant lower probability of thermal runaway compared to older battery types, effectively engineering out the highest risks. It is widely recognised by fire authorities and Government guidance as the safest lithium iron chemistry commercially available for utility scale storage. Second, concerning safety design. The battery units are positioned 490 metres from the nearest residential property, the independent report confirms this distance substantially exceeds the National Fire Chiefs Council’s 30 metre minimum set back. Greenfire Solutions have also reviewed our internal layout, confirming that the cluster spacing is designed to prevent fire propagation between units as a worst case scenario. Third, fire fighting infrastructure. National Fire Chiefs Council version 2 guidance requires a minimum static supply of 180,000 litres. We are providing two separate 240,000 litre static water tanks, one at each access point, plus the attenuation basin. Greenfire Solutions verifies that this design not only exceeds the volume requirement but ensures that the Fire and Safety Rescue Service has immediate water access regardless of wind direction. In conclusion, this application delivers national infrastructure, using a rigorous safety framework, that has been independently audited and confirmed to meet or exceed current national fire safety standards.”

Councillors were invited to ask questions to Jon Storey and Vivek Kodige.

In reply to Cllr Mark Goldsack and Cllr James Lay, Vivek Kodige explained that there would be a noise from the BESS when it was charging or discharging, but this would not be continuous.

In reply to Cllr Christine Colbert, Vivek Kodige stated that the report from Greenfire Solutions had confirmed that the spacing between the units would prevent a fire from spreading. The site was monitored off site and would be shut down if there were any anomalies.

In reply to Cllr Christine Colbert, Jon Storey reported that additional hedgerows would be planted for landscaping reasons, but not as a noise screen. Chris Smith, Environmental Health Officer confirmed that vegetation of this kind would do little to reduce any noise, although screening it from view could have a psychological impact.

In reply to Cllr Christine Whelan, Jon Storey explained that the Fire and Safety Rescue Service had advised on layout but there had been no discussions on the Fire Service's response time in the event of a fire.

In reply to Cllr John Trapp, Jon Storey reported that if there was a fire, the water would be tested and a tanker could remove it from the site.

In reply to Cllr John Trapp, Jon Storey confirmed that a grid connection existed for the BESS, although this was not required for planning permission.

In reply to Cllr Martin Goodearl, Vivek Kodige explained that the BESS would ensure that energy could be stored when more electricity was being generated than being used. There was no plan for the solar generated electricity to directly power homes.

In reply to Cllr Christine Ambrose Smith, Jon Storey stated that the water on site was to suppress the fire and prevent it from spreading, but not to actually put it out.

In reply to Cllr Ross Trent, Jon Storey confirmed that there were no plans to extend the site and this restriction was included as one of the conditions.

In reply to Cllr Alan Sharp, Jon Storey explained that the site had been identified due to its proximity to the grid. He added that there was no suitable brownfield land available and the loss of greenfield land would be offset by delivering biodiversity net gains, as detailed in the report.

In reply to Cllr John Trapp, Jon Storey explained that the site was 5.3 hectares and the BESS would occupy 2.2 hectares of the site.

In reply to Cllr Alan Sharp, Vivek Kodige stated that measures would be put in place to ensure that the system used to monitor the site would be secure from cyber-attack.

In reply to Cllr James Lay, Vivek Kodige explained that in the event of a fire, there would be an evacuation zone of 100 metres from the site, which did not include any residential properties.

Kevin Breslin, the Locum Planning Lawyer, advised that a document provided by Soham Town Council should not be considered by the Committee as it had been submitted a few minutes before the meeting started which was insufficient time for councillors, officers and the applicant to read and evaluate it. David Morren, Strategic Planning and Development Management Manager, supported this view and the document was not distributed to the Committee.

Charles Warner of Soham Town Council stated that he had not been given time to consider the update from officers relating to this application, which in his view contravened the 21-day consultation rule, so he recommended that the application be deferred to allow him time to read the update and the Committee

time to consider his document. The Chair, Cllr Bill Hunt, stated that he was not prepared to have any further discussion about this matter. He advised Charles Warner that he had not submitted his request to speak within the deadline but nevertheless he was inviting him to address the Committee.

The Committee received the following statement from Charles Warner of Soham Town Council:

“My background is in aerospace and I am used to working in a zero risk environment. In these environments, everything is certified, detailed and checked down the last nut and bolt. Very, very few aircraft fall out of the air, due to these rigorous checks and I find the documents presented to you today are not conclusive. We believe that they rely on over-optimistic assumptions and the point of my document was to try and provide information to you, the members of the Planning Committee, to challenge proposals where necessary and ensure that public safety is rigorously considered at the planning stage. In five minutes it is going to be very difficult for me to consolidate but I have listened to you very carefully in what you have said in your line of questioning and the areas where I am looking at is gas plume analysis, which is what happens when a battery catches fire and the containers vent themselves. The general assumption of a maximum of one container catching fire is completely unrealistic. You should plan for a maximum failure not for a minimum failure, otherwise you do not have the procedures in place to deal with it. Cyber security has been mentioned. That is critical to any infrastructure such as this. With instances of cyber hacking all over the place and the most recent ones include the Polish grid system by the Russians and also the Iranians breaking into the FBI computer in America. So, if this were to occur and the safety overrides were taken out, the remote controls were disconnected and it was a malicious attack, you can get more than one battery fire, of that I feel fairly certain. Planning approval is over reliant on regimes answering questions because they have a vested interest in what they are doing and I have tried to go through this and highlight some of the issues. We spoke about fire earlier, several of you have mentioned that and I have compiled a fire chart in the back of my papers, which is comparing sites around East Anglia and it also compares sites in the real world and what really happened. If you look at Burwell, which is a 50 mega-watt system, they have contained water of 480,000 litres and they do not have any water tanks. Hightown Drove had 240,000 litres and contaminated water of 450,000 litres. Anchor Lane has 1,365,000 litres of water and the Wicken proposal has water tanks of 480,000 litres. You will note that in the proposal the water goes into a drain and is held. Well, you have a problem if 480,000 litres of firewater going into a hole in the ground, which has 228,000 litres. That really is a fairly fundamental mistake. I have not been able to read the fire precautions, however, I have been in touch with the National Fire Chiefs Council and they do issue guidelines on what is supposed to be done with various sizes of battery storage units. 10-50 mega-watts is 200,000 to 300,000 litres, 50-150 mega-watts is 300,000 to 600,000 litres. Larger systems, 150-300 mega-watts 500,000 to 1,000,000 litres and the recommendation for our size of battery storage at Wicken is 800,000 to 2,000,000 litres. So, whilst they say they have talked to the local Fire Services, this is issued by the National Fire Chiefs Council, which trumps any local fire brigade manager saying that he could manage it. The National Fire Chiefs Council also advise that cyber security

should be seriously considered when designing the safety systems of these containers. I have seen nothing in the proposal that gives me any confidence that this has been an active part of this planning application. I believe that the gas plume analysis only considers immediate danger to life and health and there is a whole raft of safety procedures, concerning contamination fires that have not been considered in this application. Clearly the fire safety on this site is way off beam. In Thurrock, Essex they had a fire in a single container under construction. They used 800,000 litres of water putting it out and it was brought back into control in 24 hours.”

Councillors were invited to ask questions to Charles Warner.

In reply to Cllr John Trapp, Charles Warner stated that in the view of the National Fire Chiefs Council, 500,000 to 1,000,000 litres of water were required over four hours for an installation of this size.

In reply to Cllr James Lay, Charles Warner explained that in the event of a fire a gas plume could result in contaminated air of 30 parts per million, which was over the threshold of 22 parts per million for the threatening of life. This could be a more serious problem if the wind is not blowing hard enough to disperse the harmful chemicals in the air. In reply to Cllr Christine Colbert, Charles Warner stated that these figures were from the UK Health Security Agency.

In reply to Cllr Christine Ambrose Smith, Charles Warner explained that there had been recent battery fires at Liverpool and Thurrock.

The Committee received the following statement from local member Cllr Lucius Vellacott:

“Having heard the applicants speak, I am afraid that they are clearly unfamiliar with Wicken, which is a shame. I have brought this application to the Committee because firstly it is a chance for the public to express their opinions on the matter, but also because this Committee’s primary function is to apply different weighting on material planning considerations. I think that there is a general feeling that this application is not appropriate, but what colleagues will have to be very careful to do, is to have sound planning reasons for their decision. We have to look at specific planning terms and regulations, we cannot change the location, we cannot change what the technical documents say and we are very heavily restricted, as I have learnt throughout the course of this application, by the Government on applications like these. Under the new National Planning Policy Framework we effectively have to assume that the technical data is right, we effectively have to assume that the application is necessary, I do not believe that it is, but I understand that this is not a planning consideration. The applicant has outlined how critical this application is, but again that is not up to the Planning Committee, to decide as a material consideration. We need to look at the use of land and whether it is an appropriate use of land. For me there is a material circumstance staring us in the face, which is enough to warrant refusal, that is the contravention of policies ENV1 and ENV2, pertaining to the impact on the landscape. We know that and in the officer report it is very clear that it is contrary to those policies, but because of the Government’s presumptions, the officer is quite rightly saying that the Committee should approve the application

because that is not sufficient under the Government's National Planning Policy Framework to refuse it. I disagree; I believe that the Committee should apply a different weighting to the impact on the landscape and that is where the Committee can apply weight. I think that the weight is even further justified due to the proximity of houses on one side and the protected view across to Soham and Ely Cathedral on the other. Obviously, the impact on agricultural land has been mentioned as well. So, I called it in for that reason, not necessarily to critique the technical judgements on fire and water but mostly to ensure that we have a sound reason to refuse it in terms of what the Government are suggesting with these types of applications. For me the lack of compliance with ENV 1 and ENV 2 and the Soham and Barway Neighbourhood Plan is not available for trade off against benefits as defined by Government. The issues with fire are very serious and naturally they fall under other legislation. In situations like these the officer is obviously very restricted but in matters where a condition can be applied, it should be. So, I would be keen for the Committee to focus on the impact on the landscape to that effect. Obviously the planning process, particularly under the new National Planning Policy Framework, is going to be heavily restricted to considering use of land, this is not an appropriate use of that piece of land, you have to look at the application in front of you, where it is and all the information presented to you and it does not amount to an appropriate development in my view. The Government's presumption in favour is very strong, an appeal is possible of course, but still I believe that a refusal is necessary and justified. The key difference for me, between this and any other application, is the unique landscape. We have the Burwell precedent, and that is for you to consider. Obviously in the village there is a strong feeling and I have to represent my residents. I have not met anyone in favour of this and their concerns are deep and heart-felt. We have to ensure that there are clear planning reasons to reject the application. In my judgement that is the contravention of ENV 1 and ENV 2 and even the Government's presumption in favour is not enough to proceed. So, there is a strong desire to refuse and a clear planning reason to do so. I recommend that the Committee refuses the application."

Councillors were invited to ask questions to Cllr Lucius Vellacott.

In reply to Cllr John Trapp, Cllr Lucius Vellacott stated that the applicant should demonstrate the need for the BESS, but this was not the responsibility of the Committee who needed to focus on planning reasons.

In reply to Cllr James Lay, Cllr Vellacott explained that the owner of the land was immaterial in planning terms. The application needed to be determined on whether construction on the land was appropriate.

The Chair invited comments from officers.

The Strategic Planning and Development Management Manager explained that new Government guidance had been published in March, which confirmed renewable energy planning applications could not be rejected for being built on agricultural land. He introduced Martin Blunden of Greenfire

Solutions who had carried out an independent report on fire safety on behalf of the Council.

Martin Blunden reported that he was the Managing Director of Greenfire solutions and had 34 years of experience in the fire and rescue sector. He had retired in 2022 as the Chief Officer of the Fire and Rescue Service in Scotland. He was the national strategic lead for the National Fire Chiefs Council on health and safety and operational learning. He explained that BESS technology was relatively new and in the last ten years lessons had been learnt which had reduced the risk of fire significantly. For example, new installations, such as the one proposed in the application, used safer batteries, which were more carefully monitored. In 2018 the risk of fire was 1 for every 1.5 giga-watts, this had reduced to a fire risk of 0.0016 per giga-watt. This meant that the risk of a fire in a new installation was one every 156 years for the first two years of operation, dropping down to a risk of one every 312 years from year three to year 35 of its operation. The strategy for tackling fires at electricity batteries had changed to isolating the fire and letting it burn itself out, instead of attempting to put out the fire. He explained that in the event of a fire there was serious risk to health between 18-40 metres of the fire, so the Fire Service would put a 50 metre cordon from the BESS. Firemen would not be required to wear breathing apparatus if they were 50 metres from the fire, as it would be unnecessary and there would be no danger to health at about 100 metres from the site. He reported that under the old guidance the National Fire Chiefs Council had recommended that 228,000 litres of water be available on site but this had reduced to 180,000 to 228,000 litres, as it had been discovered that the water can be recirculated, as it was not contaminated.

In reply to Cllr John Trapp, Martin Blunden explained that in his view there would be enough water on site to contain a fire.

Councillors were invited to ask questions to the officers.

In reply to Cllr Mark Goldsack, the Major Projects Officer explained that there was a network of rights of way around the site, with some bridleways to the east. He stated that the National Planning Policy Framework made it clear that the application was classed as renewable energy. The BESS allowed energy to be stored and reduced the demand on fossil fuels.

The Strategic Planning and Development Management Manager explained that the National Planning Policy Framework gave substantial weight to the benefits of energy security and how it aided economic development. Applicants were not required to demonstrate the need for renewable energy.

In reply to Cllr John Trapp, the Major Projects Officer stated that an energy substation was on site.

In reply to Cllr Alan Sharp, it was stated that a condition could be added to improve the project's cyber security.

In reply to Cllr Alan Sharp, the Environmental Health Officer explained that a noise impact assessment had been undertaken and the application met the requisite standards.

In reply to Cllr Christine Colbert, Martin Blunden explained that every fire released toxic fumes and a BESS fire could be comparable to a car fire.

The Committee moved into debate.

Cllr Christine Ambrose Smith acknowledged the importance of energy security, particularly in times of conflict. She felt many of her fears about the project had been allayed, though she was still concerned about impact on food security and the risk of cyber crime. She was cautiously in favour of the application.

Cllr James Lay declared that he was opposed to the application due to hazards associated with the project.

Cllr John Trapp felt that the evidence supported the application and energy resilience was important. He suggested that the location was acceptable, although he had concerns regarding the proximity of the bridleway and emergency access to the site. He was minded to support the application.

Cllr Christine Colbert was concerned about the application but was reassured that an additional application would be required to increase the number of containers on site.

Cllr Martin Goodearl recognised the need for more renewable energy, but he had doubts about the merits of the application and concerns about the project's carbon footprint.

Cllr Alan Sharp stated that food security was also important and the site was on 5.3 hectares of agricultural land. He stated that the materials for the site would probably be imported from China and he doubted that this country could have much impact on the overall global carbon footprint. He recognised the Government's guidance on this issue but felt that the application was in contravention of Local Plan policies ENV 1 and ENV 2. He expressed his opposition to the application.

Cllr Mark Goldsack thanked Martin Blunden of Greenfire Solutions for his report on fire safety, which he found reassuring. He accepted the reality of climate change but was concerned about the use of imported materials for the construction of a BESS, due its carbon footprint. However, he believed that the impact on the landscape, as laid out in policies ENV 1 and ENV 2 could be mitigated. He supported the application.

Cllr Lavinia Edwards opposed the loss of agricultural land over the 35 years of the project. She stated that she would vote against the application.

In reply to Cllr John Trapp, the Major Projects Officer stated that condition 27 in the report referred to the need to maintain the public right of way on the bridleway.

In reply to Cllr Bill Hunt, the Major Projects Officer listed the four conditions in the Greenfire Solutions report that had been added to the recommendations, replacing condition 11 in the report. It was agreed that a condition insisting on cyber security measures should be added

Cllr Bill Hunt proposed and Cllr Mark Goldsack seconded that the application be agreed, in line with the officer's recommendations, as amended. A vote was taken and with 7 votes in favour, 4 votes against and no abstentions the Committee

resolved to **approve** the application, subject to the following:

- (i) Grant delegated authority to the Strategic Planning & Development Management Manager to finalise the conditions, including the substitution of condition 11 regarding fire mitigation with the following four replacement conditions recommended in the Greenfire Solutions report:
  - i. Detailed Battery Safety Management Plan, (with criteria (j) added to include a cyber security plan)
  - ii. Emergency Response Plan & Tactical Fire Response Plan
  - iii. Access Arrangements
  - iv. Sensitive Receptor Plan & Smoke Plume Analysis

## **65. 25/01320/FUL – 31 Ten Mile Bank, Littleport**

Daisy Hill, Senior Planning Officer, presented this report (AA184, previously circulated), which recommended that the retrospective application for a change of use from agricultural land to a builders' yard with 13 new homes with access to parking and landscaping be refused.

John Alexander made the following statement on behalf of the applicant:  
"Mr Dakin has complied with everything that has been asked of him and he has lived on the site for seven years before being contacted by planning officers. There have been no complaints from neighbours or the public about the site, a fact that has been confirmed by the Environmental Services department. Page 11 of the report gives two reasons for refusal. I will leave number one for the two members who have called it in, as I have not got a clue. Number two stated that insufficient information has been provided to demonstrate that the development would be safe from flooding throughout its lifetime. Well, it is a 28 page report, done by consultants who are experts on flood prevention and drainage on the fens. They know the area well. It says in the report that it is in accordance with national planning guidance and supports the planning practice guidance. What does safe during our lifetime mean? I do not know what it

means, I don't suppose you do. The flood protection report mentions the effect of global warming, change of weather, heavy rainfall etc. I suggest that all the residents of Ten Mile Bank wouldn't be able to predict what will happen in 40-50 years' time, none of us can. I read articles in the press and on the internet, prophets of doom saying that the fens are going to be underwater in 50 years' time. No-one knows. Does this site increase the risk of flooding? No, it doesn't. The flood report states that surface water flooding is 0.1 to 1% chance of flooding each year. Flood risk is considered very low by the Environment Agency map. The Littleport and Downham Internal Drainage Board have not objected to the change of use. Practically, the site has a two metre wide ditch, running along the whole border, which is approximately two metres deep and it separates it from the agricultural land next to it and the local farmer who owns the land cleans the ditch out every year. During the wettest winter that we have ever had, Mr Dakin's land and the farmland did not flood. It is pretty safe in that respect. We were originally told that refusal was because it wasn't in keeping with the area. Well, there is a skip hire site, quite substantially larger than Mr Dakin's site, which is less than 100 yards away as the crow flies from his site. There are a number of businesses that have got plans, showing three businesses between the bypass and Mr Dakin's site, along Ten Mile Bank. Yes, he has building materials, but he doesn't have any building materials delivered to his site. The building materials that he's got are what he has taken with him when he has cleared them off site and if the opportunity arises, he will actually use those materials. Whereas the skip lorries readily go down that piece of road. You have been to the site, Mr Dakin has a very wide security gate, he goes into the site forwards and he comes out of the site forwards and there have been no planning objections from the Highways Authority. So, all the consultees have no objections. I thank the two members for calling this in. I assume that they are Littleport members, I don't know. I was a Local Government Officer for 27 years, Director of a neighbouring district council for six years and I always believed that members had a better knowledge of their patch than officers."

Councillors were invited to ask questions to Mr Alexander.

In reply to Cllr Mark Goldsack, John Alexander stated that no other building company operated from the site, the gates were kept shut and secure.

In reply to Cllr John Trapp, John Alexander explained that this was a change of use application and no residents had been affected by flooding.

In reply to Cllr Alan Sharp, John Alexander confirmed that the ditch on the side of the road and the soakaway prevented flooding.

The Strategic Planning and Development Management Manager explained that there had been insufficient information regarding the flood risk and that was why it was listed as a reason for objection.

In reply to Cllr Christine Ambrose Smith, John Alexander reported that the applicant's yard had a sensor light to make the area more secure.

Officers were invited to make any additional comments.

The Strategic Planning and Development Management Manager suggested that a condition regarding security lighting could be added to the decision.

The Committee moved into debate.

Cllr Martin Goodearl spoke in favour of the application, as the site was 1.5 miles from Littleport, there had been no complaints and it was no different from other nearby sites. Cllr Christine Ambrose Smith agreed.

The Strategic Planning and Development Management Manager advised that if the Committee were minded to approve the application they should include conditions to prevent external lighting on the site, that no fuel, contaminants or industrial waste be stored on site and only materials belonging to the owner occupier should be stored on site.

Cllr John Trapp expressed his support of the application, although he suggested that the height of the fence should be restricted.

Cllr Alan Sharp supported the application, with conditions regarding the lighting and flooding.

Cllr Bill Hunt stated that other more intrusive development had been agreed in the area and the area had not flooded since 1947. He supported the application.

Cllr Mark Goldsack respected the knowledge of the two local members and supported the reuse of materials by those in the building trade. He supported the application.

Cllr Martin Goodearl proposed and Cllr Christine Ambrose Smith seconded that the application be approved, with the conditions listed above. A vote was taken and it was unanimously agreed

To resolve to **approve** the application, subject to the following conditions:

- (i) Development should be carried out in accordance with the submitted drawings and documents.
- (ii) No external lighting shall be erected within the application site until details of the proposed lights, their specification, location, the orientation/angle of the luminaires, predicted light spill and hours of proposed use have been submitted to and approved in writing by the Local Planning Authority. Any external lighting that is installed shall be implemented in accordance with the approved scheme and thereafter maintained and retained as agreed.

- (iii) No hazardous substances, chemical, or potential contaminants (including but not limited to fuels, oils, or industrial waste) shall be stored on the site at any time.
- (iv) Three months of the decision date, a scheme to dispose of surface water runoff for the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details.
- (v) Within 3 months of the decision date, a Flood Contingency Plan for the development, which should include an appropriate method of flood warning and evacuation to ensure the safe use of the development in extreme circumstances, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details.
- (vi) The use of the builders' yard hereby permitted shall be limited solely to the storage of materials and equipment incidental to the personal business or domestic requirements of the owner/occupier of the dwelling known as 31 Ten Mile Bank, Littleport, Ely, Cambridgeshire, CB6 1EE and for no other purpose (including any commercial plant hire, retail sales, or storage for third parties). Upon the owner/occupier ceasing to occupy the site, the use hereby permitted shall cease, and all stored materials shall be removed from the land.

#### **66. TPO/E/07/25 – Tree Preservation Order – Sutton, Ely**

Kevin Drane, Trees Officer, presented a report (AA185, previously circulated) which recommended the approval of the confirmation of Tree Preservation Orders for one Chanticleer Pear and one Cedar.

An objector, Kenneth Love, made the following statement.

“My wife and I are joint owners and occupiers of the property. Regarding the Chanticleer Pear, Wikipedia, as well as other websites and authorities, state that the fruit of the pear contains an abundance of cyanide laced seeds. The odour is compared to rotting fish and the smell attracts flies, which are the primary pollinators, rather than bees. The RHS on their website, recommend the wearing of gloves and other protective equipment when handling and touching the tree due to its toxicity. For a person or pet, particularly someone with a compromised immune system, touching or ingesting the fruit or leaves could have serious health implications. At a height of some 40 plus feet, it is not a small scale tree. The tree is in a small front garden on a housing development, not a park. Leaf clearing from the gutter is excessive due to the height of the tree and its proximity to the house. Whilst the trunk is offset from the windows by nine feet, the branch spread is some fifteen feet to the windows. Damage to

the gutters and fabric of the building is not part of regular maintenance. The streetlight, though set forward from the tree, is round a bend from the tree, blocking light from the footpath. The size and toxicity of the tree cannot be reasonably and sensibly regarded as the right tree in the right place. Regarding the Cedar, the RHS again recommend the planting of no closer than 35-45 feet away from any building, due to its root and branch spread. The tree is planted on blue clay and takes a considerable amount of water from the soil, leaving nearby foundations and utilities vulnerable and liable to collapse due to subsidence. The tree is resinous and so is more flammable. The suggestion of pruning of lower branches would not significantly improve light or outlook to the lower room or the bedroom. Pruning cannot be completed until between January 2032 and January 2035, as stated in the ECDC letter dated 14 February 2026 sent to us. To cover the exposed roots with soil will cause the garden to be even more uneven and dangerous. The tripping hazard cannot be prevented as no barriers or fences are permitted in Sutton Park, which renders the home owner unable to mitigate any danger to the public. The suggestion to gravel over the front lawn would make the front of the property look like another car park in that road. The trees are in a small front garden in a housing development, not a park. Strimming the lawn is not a practical solution. The tree is already too high for its position and context, with no historical value. The tree prevents further ornamental planting, the foliage is quoted by the RHS as causing breathing problems and will affect asthma sufferers and is a health and safety risk to both the occupiers and the public. This tree is a parkland and open spaces species, not for a small front garden. The tree is shallow rooted and the roots are already highly visible. With climate change and long hot summers and wet winters, Cedars are vulnerable. There is already an indication of heave and this makes the tree vulnerable to toppling in high winds. The tree is of little to no value to wildlife and has outgrown its original context. It is of poor form and is not aesthetically pleasing. Both the Pear and the Cedar are wholly unsuitable for their locations. Each tree poses a health and safety risk to both the occupiers and the public. The Pear with its toxic cyanide fruit and foliage and the Cedar with its effect on anyone with asthmatic and breathing problems. It is questionable under the human rights act that the public at large have rights over private individuals and the proper and reasonable enjoyment of their property and the subjective amenity value of the trees. I believe that the TEMPO scoring has been poorly and unjustly too highly marked and advocated. Removal of both trees and replanting with species more suited to a small front garden, as set out in my 211 application form, would be more beneficial to wildlife and the environment. In January 2023, ECDC allowed the removal of a tree at number 12 Sutton Park, due to shading and route disturbance. A planning application was also refused in 2025 on the grounds that the lack of natural light would cause demonstrable harm to the occupier and failure to prove higher amenity through natural light and outlook would be in direct conflict with planning policies. Finally, damage caused by either tree is excluded by our home owners building insurance, due to the closeness, proximity and height of the trees. This places an ongoing and unfair burden on us.”

Comments were invited from officers.

The Tree Protection Officer stated that the toxicity related to the seeds of a pear tree, which were no more toxic than the seeds of apple or cherry trees. The smell issue was related to the Bradford Pear and was rare to occur in the case of the Chanticleer Pear in question.

Councillors were invited to ask questions to the officer.

In reply to Cllr Mark Goldsack, the Tree Protection Officer stated that all trees were capable of causing damage to property, but there was no evidence of that in this case. If that changed the issue would be reassessed.

In reply to Cllr Christine Ambrose Smith, the Tree Protection Officer explained that both trees were commonly planted in developments in the district, as they had a low demand for water and reached a relatively small height in maturity.

In reply to Cllr Alan Sharp and Cllr John Trapp, the Tree Protection Officer explained that small scale pruning could take place now to both trees.

The Committee moved into debate.

Cllr Christine Whelan stated that they were lovely, healthy trees and so should be protected. Cllr John Trapp agreed. Cllr Alan Sharp stated that the trees could be pruned and if there any evidence that they were causing damage then this matter could be revisited. Cllr James Lay agreed that the Committee should follow the advice of the Tree Protection Officer. Cllr Christine Colbert expressed concern that if either of the trees did cause damage, then the Council might be financially liable.

Cllr Christine Whelan proposed and Cllr John Trapp seconded the recommendation in the report. A vote was taken and with 10 votes in favour, none against and 1 abstention the Committee agreed

to resolve to **approve** the confirmation of the tree preservation order for the following reason:

The trees are prominent features, visible from the public realm, in good health, offering significant visual contributions to the amenity of the local landscape in this part of Sutton.

## **67. Planning Performance Report – February 2026**

David Morren, Strategic Planning and Development Management Manager, presented a report (AA186, previously circulated) summarising the performance of the Planning Department in February 2026.

In reply to Cllr John Trapp, the Strategic Planning and Development Management Manager explained that the figures in brackets related to the locally set Key Performance Indicator figures, which were more challenging than the nationally set performance targets.

In a response to a question from Cllr Christine Ambrose Smith, the Strategic Planning and Development Management Manager confirmed that the planning system was changing, with a new appeal system that would put emphasis on the pre-application process, which was a good thing. The cost of a pre-application varied according to the size of the project. The aim was not to make money for the Council and a report on this matter would be brought to the next meeting of the Committee. In reply to Cllr Alan Sharp, the Strategic Planning and Development Management Manager explained that the adopted protocol, which had been in place for approximately a year and a half, was not changing. Efforts had been made to process applications more quickly and the annual performance figures that were reviewed at the last Commission meeting reflected this.

The Committee agreed

to resolve to **note** the report.

The meeting concluded at 5:57 pm.

Chair.....

Date.....

**26/00009/FUL**

Land to the North East of 70 St Johns Avenue  
Newmarket  
Cambridgeshire

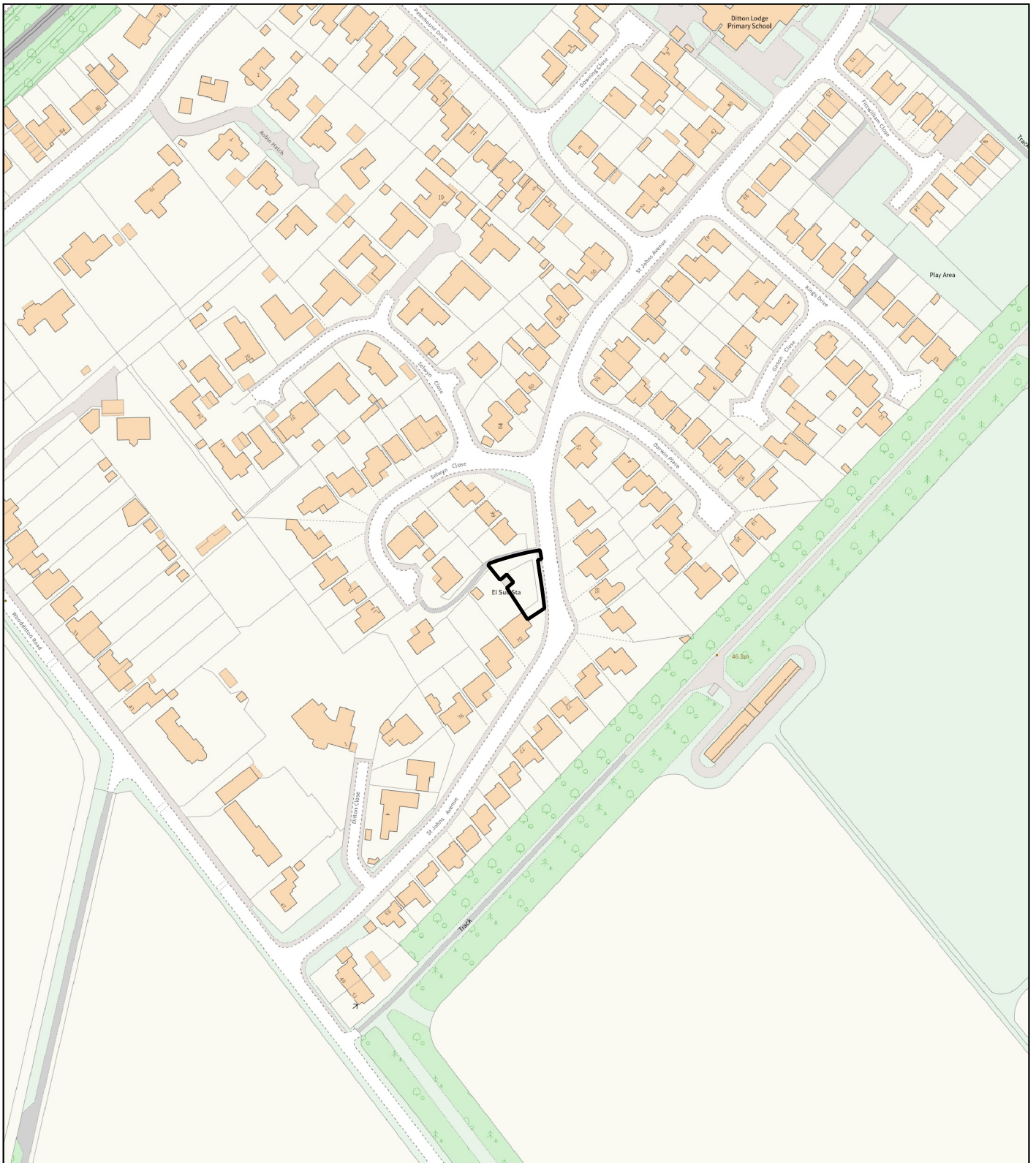
Construction of a single two bedroom, single storey detached dwelling.

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=T8FKW9GGGZ100](https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T8FKW9GGGZ100)







26/00009/FUL



Land North East Of 70  
St Johns Avenue  
Newmarket

East Cambridgeshire  
District Council

Date: 23 April 2026  
Scale: 1:2,500



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26/00009/FUL



Land North East Of 70  
St Johns Avenue  
Newmarket

East Cambridgeshire  
District Council

Date: 23 April 2026  
Scale: 1:1,250



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**TITLE: 26/00009/FUL**

Committee: Planning Committee

Date: 6 May 2026

Author: Planning Officer

Report No: AA187

Contact Officer: Olivia Akroyd, Planning Officer  
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**Site Address: Land North East Of 70 St Johns Avenue Newmarket Suffolk**

**Proposal: Construction of 1 no. two bedroom, single storey detached dwelling**

**Applicant: CD Property Webb**

**Parish: Woodditton**

**Ward: Woodditton**

Ward Councillor/s: James Lay  
Alan Sharp

**Date Received: 26 January 2026**

**Expiry Date: 23 March 2026**

**1.0 RECOMMENDATION**

1.1 Members are recommended to APPROVE the application for the following reason(s):

1. The principle of constructing a single-storey, detached dwelling in this location has been established by the granting of previous planning permissions, and the principle of development is considered to remain acceptable.
2. The proposal is not considered to result in significant and demonstrable harm to the character and appearance of the area nor on residential amenity.
3. The proposal is considered to satisfy all other material planning considerations.

1.2 The application is being heard by committee because it was called in by Councillor Lay. The following comments have been received:

*“Could you please ask that this Application is put in front of the Planning Committee for their consideration.”*

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The application seeks planning permission for the erection of a single-storey, detached dwelling on a vacant piece of land within a residential area. The dwelling would measure approximately 12.1m (39.7ft) in length, by 6.1m (20ft) in depth and would be designed with a gable roof form with a maximum height of 4.5m (14.8ft). PV panels are proposed to the front and rear roof slopes of the dwelling.
- 2.2 The dwelling would be positioned back from the back edge of the footpath by approximately 3m (9.8ft), with vehicular access taken off St Johns Avenue running along the side elevation of the dwelling with two parking spaces to the rear. Private amenity space is proposed to the south western elevation of the dwelling. Access to the substation to the west of the site will be retained across the proposed access.
- 2.3 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 [Simple Search](#).

## **3.0 PLANNING HISTORY**

### **25/00852/FUL**

Construction of 1 No. dwelling following previous approvals.

***Withdrawn 16.12.2025.***

### **22/00585/FUL**

Construction of 1 no. two bedroom, single storey detached dwelling - resubmission of 19/00596/FUL.

***Approved 05.07.2022.***

### **19/00596/FUL**

Construction of 1 no. two bedroom, single storey detached dwelling.

***Approved 18.06.2019.***

### **16/00825/FUL**

Construction of two bedroom detached dwelling.

***Approved 06.10.2016.***

**04/00157/FUL**

Erection of dwelling and adjoining garage.

***Refused 08.04.2004. Appeal dismissed on 14 February 2005.***

**03/00864/FUL**

Detached house and garage.

***Refused 16.10.2003.***

**02/01242/FUL**

Proposed two storey 4 bedroom detached dwelling house.

***Refused 25.02.2003.***

**4.0 THE SITE AND ITS ENVIRONMENT**

- 4.1 The application site relates to a parcel of land measuring approximately 0.4 hectares (0.9 acres) in size. The site is located within a residential area, located between existing dwellings at Nos. 68 and 70 St John's Avenue. There is a 1.8m (5.9ft) high timber panel fence which encloses part of the site, stepped back from St Johns Avenue and the footpath to the north. The area behind the fencing is overgrown with some dense areas of vegetation. There is a mature Maple tree within the north western corner of the site and an electricity substation to west of the site which is currently accessed from the footpath running to the north.
- 4.2 The site is located within a residential area with the immediate street scene comprising two-storey dwellings of a relatively uniform appearance, set back from the highway with varying levels of open frontages and parking. There are examples of single-storey dwellings within the wider development.
- 4.3 The site is located within the defined development envelope for the Newmarket Fringe.

**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 website.

**Woodditton Parish Council - 23 February 2026**

Object to the proposals on the following grounds:

- 1) We note the comments of resident at 73 St Johns Ave and fully support these. The changes proposed are purely superficial and are not conducive to other properties on the estate which are constructed of traditional brick and have proper foundations. In all intents and purposes this is a static temporary building without solid foundations and with an appearance completely out of synch with the existing development of Crockfords Park. It appears as a cost cutting exercise to avoid having to move the underground power cable running through the plot from the substation.
- 2) We are concerned about vehicular access and its effect of the development visibility of vehicles using Selwyn Close. St Johns Avenue is used as a rat run by drivers wishing to avoid the traffic calming on Woodditton Road and the road becomes parked up on both sides, particularly at school drop off and pick up.
- 3) We have noted the concerns and requirements outlined by UK Power Networks on building a house so close to a substation - clearly this limits to a single storey dwelling to avoid the more significant issues.

#### **Local Highways Authority - 23 February 2026**

Responded with no objection. It is considered that the effect of the proposed development upon the Public Highway would likely be mitigated subject to the inclusion of the conditions. It has been advised that the proposals do not look to materially differ from a highway perspective when compared to the previous applications.

The two suggested conditions relate to requiring sufficient room to be provided within the site for vehicles to enter, turn and leave in a forward gear and to allow for parking clear of the public highway, as well as to provide and maintain pedestrian visibility splays of 1.5m by 1.5m. An informative note has also been suggested to advise the applicant of the necessary consents which are required from the County Council prior to work being undertaken in the Public Highway. This informative note can be added to the decision notice.

#### **Waste Strategy (ECDC) - 9 February 2026**

Responded with no objection. Request an informative note regarding the collection of waste by the Council from residential properties. This informative note can be added to the decision notice.

#### **UK Power Networks - 3 February 2026**

Object to the proposals. The proposed development is in close proximity of a UK Power Network substation and a number of observations have been made relating to development within close proximity of a substation as well as the applicants responsibility and engineering guidelines. Advice has been provided on the proximity of development to substations, footings, high occupancy rooms and noise as well as general notes regarding access requirements to the substation. The observations, guidance and general notes can be viewed in the full response which is available on the Council's website.

**ECDC Trees Team - 17 March 2026**

Responded with no objection to the proposals. Suggest a condition requiring the submission of a scheme for the protection of the tree located adjacent to the site boundary during the construction of the development.

**East Cambs Ecologist - 15 April 2026**

Raise no objection to the proposal either with regard with impacts on ecology or in relation to Mandatory Biodiversity Net Gain (BNG).

Have suggested two conditions requiring compliance with the mitigation measures set out within the submitted Preliminary Ecological Appraisal and to secure a scheme of ecological enhancements.

Following the submission of a revised Metric during the course of the application with all of the inputted information available for consideration, the initial objection has been removed and the baseline value of the site has been accepted. Comments have been made on the contents of the Metric and it has been advised that it is likely that the small number of units required to reach the mandatory gain will need to be purchased from a habitat bank, however, the information submitted for the purposes of this planning application is acceptable and this can be addressed as part of the discharge of the mandatory BNG condition.

**CCC Growth & Development –**

No Comments Received.

**Ward Councillors –**

No Comments Received.

5.2 A site notice was displayed near the site on 5 February 2026.

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

- The plot is too small for a dwelling that would respect the existing pattern and character of development in the area
- The dwelling and its layout are not in keeping with the character and appearance of the area which comprises predominantly two-storey dwellings with open frontages, front and rear gardens, garages and frontage parking
- Design of the dwelling not in keeping with the neighbouring properties
- Appears dwelling would be of a temporary construction without proper foundations which is contrary to the construction of the existing houses
- The proposal differs significantly from the previously approved applications
- Feel that the proposed construction and design of the dwelling is in order to avoid costs of moving the underground cables which run through the site
- The site was designed as open space and is not suitable for a dwelling

- Location of the site on a blind bend and existing highway safety concerns
- Concern that visitors would park at the front of the property/on the footpath causing concern for highway and pedestrian safety
- Question the practicality of 24-hour access to the substation being maintained based on the proposed layout and driveway location
- Location of cables which run through the application site
- Inconsistencies between the application form and proposed plan in relation to the proposed roofing materials

## **6.0 THE PLANNING POLICY CONTEXT**

### **6.1 East Cambridgeshire Local Plan 2015 (as amended 2023)**

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
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
COM 7	Transport impact
COM 8	Parking provision

### **6.2 Supplementary Planning Documents**

Design Guide  
 Flood and Water  
 Natural Environment  
 Hedgehog Recovery  
 Climate Change  
 Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated

### **6.3 National Planning Policy Framework (December 2024)**

2	Achieving sustainable development
4	Decision-making
5	Delivering a sufficient supply of homes
9	Promoting sustainable transport
11	Making effective use of land
12	Achieving well-designed places
14	Meeting the challenge of climate change, flooding and coastal change
15	Conserving and enhancing the natural environment

### **6.4 Draft National Planning Policy Framework (December 2025)**

3	Decision-making policies
---	--------------------------

- 4 Achieving sustainable development
- 5 Meeting the challenge of climate change
- 6 Delivering a sufficient supply of homes
- 12 Making effective use of land
- 14 Achieving well-designed places
- 15 Promoting sustainable transport
- 17 Pollution, public protection and security
- 18 Managing flood risk and coastal change
- 19 Conserving and enhancing the natural environment

**6.5 Cambridgeshire and Peterborough Waste and Minerals Local Plan 2021**

**6.6 Cambridgeshire-Peterborough Local Nature Recovery Strategy (LNRS) (December 2025)**

**6.7 Planning Practice Guidance**

**7 PLANNING MATERIAL CONSIDERATIONS AND COMMENTS**

7.1 The main planning considerations relevant to the determination of this application relate to:

- Principle of development
- Visual amenity
- Residential amenity
- Highway safety and parking
- Trees
- Ecology
- Mandatory Biodiversity Net Gain
- Flood risk and drainage
- Contamination
- Climate change
- Other material matters

**Principle of Development**

7.2 The East Cambridgeshire Local Plan, 2015 (as amended 2023) describes the Newmarket Fringe as a suburb of Newmarket, which looks to the services and facilities within the town. In respect of housing, the Local Plan states that ‘the Newmarket Fringe area is likely to continue to grow at a slow rate, with new housing being built on suitable ‘infill’ sites within the area’. A development envelope has been drawn around the Newmarket Fringe to define the built-up part of the settlement where infill development may be permitted – the purpose of this is to prevent sprawl into the open countryside.

7.3 Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) provides the locational strategy for development within the district and provides a hierarchy for the location of housing development. That hierarchy seeks to focus the majority of development on the market towns of Ely, Soham and Littleport. It provides for more limited development within villages within a defined development

envelope, stating that housing, employment and other development to meet local needs will normally be permitted, provided that there is no significant adverse effect on the character and appearance of the area and that all other material considerations are satisfied.

- 7.4 The application site is located within the development envelope of the Newmarket Fringe and is therefore considered to be a sustainable location, the principle of development is considered to be acceptable subject to all other material planning considerations being satisfied.
- 7.5 Also of relevance is previous planning at the site. A number of applications for the erection of a dwelling at the site have previously been refused (application references 02/01242/FUL, 03/00864/FUL and 04/00157/FUL). These applications were for large, two storey dwellings and the reasons for refusal related to their scale and massing of the development in close proximity of the highway boundary which was considered to introduce a cramped form of development, as well as for their impacts on the residential amenity of the adjacent property. In 2016, an application for the erection of a single storey dwelling of the same footprint and positioning as the current proposal was approved under application reference 16/00825/FUL, and therefore the principle of development for the erection of a single storey dwelling in this location has been established. Two further applications identical to the 2016 application approved in 2019 and 2022 under application references 19/00596/FUL and 22/00585/FUL respectively.
- 7.6 Whilst the latest planning application (22/00585/FUL) has now expired, the previous planning applications have established the principle of erecting a single storey dwelling in this location of a similar footprint and layout and are therefore considered to be a material consideration to the determination of this application.

### **Visual Amenity**

- 7.7 Policy ENV1 of the East Cambridgeshire Local Plan 2015 (as amended 2023) states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements.
- 7.8 Policy ENV2 states that development proposals should ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.
- 7.9 St John's Avenue is characterised by two-storey, detached dwellings with open frontages and parking to the front elevation. There are examples of single storey dwellings on the wider development. The existing dwellings are set back from the highway boundary. Whilst this distance varies, the dwellings are generally set back between 6 and 10 metres (19.7 and 32.8ft) from the highway boundary. The proposed dwelling would be set back from the back edge of the footpath by approximately 3 metres (9.8ft). Whilst this set back is less than other dwellings within the street scene, it is considered to be proportionate to the scale of the dwelling that is proposed and the positioning of the dwelling in this location has been established by the previous applications. Furthermore, by positioning the car

parking to the rear of the dwelling, the proposal opens up the site frontage further without it being dominated by parking, allowing for areas of soft landscaping as well as an area of hardstanding to provide pedestrian access to the dwelling.

- 7.10 Concern has been raised within neighbour comments and by the Parish Council to the appearance of the dwelling, including its single storey height and overall design which is considered to be out of keeping with the style and character of the dwellings within the street scene. Concern has also been raised to the method of construction of the dwelling, with comments noting that the dwelling appears to be a temporary structure without proper foundations which would be out of keeping with the existing dwellings within the street scene which are brick built.
- 7.11 The introduction of a single storey dwelling in this location has been established by the previous applications on the site. The Case Officer for application 16/00825/FUL within their Committee presentation considered that whilst the introduction of a single storey dwelling would be contrary to the general pattern of development within the street scene by virtue of its single storey nature and positioning in relation to the highway, that it would not result in significant harm to the character and appearance of the area and would result in a less dominating form of development than the two storey dwellings previous proposed and refused on the site.
- 7.12 Two further identical applications were submitted under applications 19/00596/FUL and 22/00585/FUL and it was concluded as part of these applications that there had been no changes to the application since the previous approvals. These applications are a material consideration in the determination of the current application and the introduction of a single storey dwelling in this location is considered to be acceptable. It is acknowledged that the design of the dwelling under the current application varies from the previous approvals, and it is necessary to consider the impact of these changes on the character of the street scene.
- 7.13 The neighbour and Parish Council concerns regarding the method of construction of the dwelling are noted. The applicant has confirmed that the dwelling would be constructed from structural insulated panels. The use of a screw pile footing may be used, subject to the further site investigations. Whilst the method of construction is a material planning consideration, from a visual amenity perspective, the extent to which the method of construction can be considered as part of the application is limited to the impacts that this would have on the appearance of the dwelling and the character and appearance of the street scene and wider area.
- 7.14 An application at the site has recently been withdrawn (25/00852/FUL) in response to Officer concerns regarding the design of the dwelling and the impact on the character and appearance of the street scene. The previous application proposed a dwelling clad in a sage green coloured cladding, and a higher finished floor level with a large ramp proposed to provide pedestrian access to the front elevation.
- 7.15 Under the current application, the dwelling would be designed with a gable roof form, which would be in keeping with the roof forms of the neighbouring properties, albeit at single storey height. Amendments have been made during the course of the application altering the proposed fenestration and introducing a canopy to the front elevation. These changes are considered to provide a more coherent frontage

to the dwelling and would break up the otherwise linear elevation. Whilst the design of the dwelling would vary from the neighbouring properties, with the amendments that have been made since the previous withdrawn application and during the course of the current application, it is not considered that the dwelling would result in significantly detrimental or demonstrable harm to the character and appearance of the street scene and wider area.

- 7.16 Concern has been raised to the proposed materials, particularly the cladding of the dwelling and it has been noted that the roofing materials described in the application form conflicted with the details annotated on the originally submitted plans. The dwelling would be faced in a buff-coloured brick and the amended plans are annotated to show that the roof would be finished in plain tiles of a dark brown colour. Neighbour comments have noted that the new dwelling would not be in keeping with the neighbouring properties which are of brick construction. Whilst this is noted, it is not considered that there is a visual difference between a building that is built from brick and a building that is faced in brick and the use of facing brickwork is therefore considered to have an acceptable visual impact on the development. The proposed materials are considered acceptable and would be in keeping with the materials on the dwellings within the street scene. In order to ensure that these materials are used on the development and would have an acceptable visual impact, it is considered reasonable to condition that samples of these materials are submitted for consideration prior to their use of the development. This condition can be attached to the decision notice.
- 7.17 Details of boundary treatment have been confirmed as part of the application to be a 1.8m (5.9ft) high close boarded timber fence. This is in accordance with the details approved as part of the previous applications, and would have a similar visual appearance to the existing fencing at the site. The submitted plans indicate new planting along the front boundary of the site, and details of this planting can be secured by condition as discussed within the Trees section of this report below.
- 7.18 Bin storage is indicated on the submitted plans, and this is considered to be located in a suitable location to limit its impact on the street scene.
- 7.19 For the above reasons, it is not considered that the proposal would result in significantly detrimental or demonstrable visual harm to the street scene or surrounding area and is therefore considered to comply with policy ENV 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

### **Residential Amenity**

- 7.20 Policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.

### *Impact on Existing Occupiers*

- 7.21 The application is located within a residential area, adjacent to 68 St Johns Avenue to the north west and 70 St Johns Avenue to the south west.

- 7.22 The proposed dwelling would be single storey in nature, and it is considered that its positioning in relation to the neighbouring properties would be sufficient to prevent harmful overbearing or overshadowing impacts. The single storey nature of the dwelling, and the separation distance to the neighbouring properties is also considered to prevent overlooking. The existing 1.8m (5.9ft) close boarded timber fence would be retained between the site and 70 St Johns Avenue, and a new 1.8m (5.9ft) close boarded fence is proposed along the northern boundary which would further protect the privacy of occupiers of the existing and proposed plots.
- 7.23 The submitted plans demonstrate the location of a heat pump to the south western side elevation of the dwelling, however no further details regarding the nature or specification of the pump have been provided as part of the application. In order to prevent harm to the amenity of neighbouring properties by way of harmful noise disturbance, it is considered reasonable to include a condition that requires details of the heat pump to be submitted to and approved in writing by the Local Planning Authority prior to its installation.
- 7.24 Under the previous applications, a condition regarding construction hours was added to the decision notice. Due to the residential nature of the surrounding area, this condition is considered to be reasonable.

*Impact on Future Occupiers*

- 7.25 The proposal is considered to provide a high level of amenity for future occupiers, meeting the Nationally Described Space Standards and the gross internal floor areas for a single storey, 2 bedroom, 3 person dwelling. The dwelling would also provide a private area of amenity space provided to the south west of the dwelling measuring in excess of 50sqm (164sqft), which is above the amount recommended in the Design Guide SPD.
- 7.26 With regards to the proximity of the proposed dwelling to the electricity substation, the UK Power Networks have been consulted as part of the application and have advised that it is recognised that transformers emit a low hum which can cause annoyance to nearby properties and a problem can also occur if footings are too close to the substation structures as vibrations can be transmitted through the ground into the walls of the building.
- 7.27 They have advised in respect of noise impacts that the distance between buildings and substations should be greater than 7 metres as far as possible, footings of new buildings should be kept separate from substations, buildings should be designed so that rooms of high occupancy (i.e. bedrooms and living rooms) do not overlook the substation and if noise attenuation methods are necessary UK Power Networks would expect to recover costs from the developer.
- 7.28 The proposed dwelling would be located closer to the substation than the UK Power Networks suggested separation distance of 7m (23ft). It is noted that the previous applications approved a dwelling within the same proximity to the substation as is currently proposed. Under the most recent application (22/00585/FUL), it was noted that the only opening to a habitable room facing towards the substation would serve a living room, and that this room would be served by two other openings.

- 7.29 Under the current proposal, a window serving an open plan kitchen, dining and living room is proposed to face towards the substation, however it is noted that there are three other openings across the front and side of the dwelling that would serve this room, with the living area located to the front of the dwelling. This relationship is not considered to be materially different to what has previously been approved, and it is noted that the Environmental Health Officer did not raise concern to the previously approved relationship.
- 7.30 The original plans for the current application proposed a bedroom window to the rear of the dwelling. During the course of the application, the location of this window has been amended to the side elevation so that it would be located in excess of 7m (23ft) from the substation and would be in line with the previously approved arrangements. The revised positioning of this opening is considered acceptable.
- 7.31 For the above reasons, the proposal is considered to have an acceptable impact on the amenity of existing and future occupiers, in accordance with policies ENV 2 and ENV 9 of the East Cambridgeshire Local Plan.

### **Highway Safety and Parking**

- 7.32 Policy COM 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) states that development proposals shall provide a safe and convenient access to the highway network.
- 7.33 Policy COM 8 of the East Cambridgeshire Local Plan 2015 (as amended 2023) states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards.
- 7.34 Neighbour and Parish Council comments have raised concern to the location of the development on a blind bend and the potential impacts on pedestrian and highway safety, including from visitor parking on the highway.
- 7.35 The plan demonstrates a vehicular access which would be positioned to the side of the dwelling, providing access to two rear parking spaces and space for turning, as well as for access to the electricity substation.
- 7.36 The Local Highway Authority have been consulted as part of the application and have raised no objections to the proposals. They have commented that the proposals do not look to materially differ from a highway perspective when compared to the plans proposed under the previous applications. They have suggested the inclusion of two conditions relating to the provision of sufficient space within the site to allow vehicles to enter into the site, park, turn and exit in a forward gear, and for the pedestrian visibility splays.
- 7.37 The proposals provide two off-street parking spaces to the rear of the dwelling in accordance with the requirements of policy COM 8 of the Local Plan, and it is considered that sufficient space would be provided to allow vehicles to turn within the site. The location of bin storage is indicated on the submitted plans which would not impact on the proposed access or parking arrangements.

- 7.38 With regards to the concerns regarding visitor parking, there is space on the driveway for additional vehicles, however access would need to be maintained for the substation. St Johns Avenue does not have any parking restrictions and therefore the Local Planning Authority would not be able to control or restrict parking occurring in this location. The proposed development has provided the parking required by policy COM 8 and is therefore considered to comply with the policy.
- 7.39 For the above reasons, and subject to the inclusion of conditions, the proposal is considered to comply with the requirements of policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

### **Trees**

- 7.40 Policy ENV 7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) states that all development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds.
- 7.41 The Trees Officer has been consulted as part of the application and has raised no objections to the proposals. They have requested a condition requiring the submission of a Tree Protection Plan, and have confirmed informally that this relates to the mature Maple tree which is located within the north western corner of the site. Similar conditions have been imposed as part of the applications approved in 2016, 2019 and 2022.
- 7.42 As part of the site visit, and following review of Google Street View, it is evident that significant works have been undertaken to the Maple tree since the previous permissions. Notwithstanding, the Trees Officer has had sight of photographs from the site visit and has advised that the works that have been undertaken to the tree do not impact on its suitability for long-term retention. The suggested condition is therefore considered to remain relevant and reasonable.
- 7.43 The plans indicate that additional tree planting is proposed, however no further details regarding the proposed species or planting specification have been provided. It is considered reasonable for these details to be secured as part of a soft landscaping condition which can be attached to the decision notice.
- 7.44 For the above reasons, and with the inclusion of conditions, the proposal is considered to comply with policy ENV 7 of the East Cambridgeshire Local Plan.

### **Ecology**

- 7.45 The LNRS is a statutory document which plans, maps and creates priorities for nature in a given area. Local authorities must have regard to any relevant LNRS through the exercise of its functions, including as a local planning authority (see S40(2A) of the NERC Act 2006).
- 7.46 Amongst other matters, the LNRS identifies on a map (the 'habitat map') "areas that could become of particular importance for biodiversity" (ACB sites), which have been determined to offer the potential to become important if measures were taken

to improve the habitats on that particular site. For this particular application, it has been determined that no LNRS ACB site aligns with the planning application site area and there is no other apparent reason why the LNRS is an important determining factor for this application. As such, very little weight has been given to the content of the LNRS in reaching a recommendation for this planning application.

7.47 The Ecology Officer has reviewed the Preliminary Ecological Appraisal that has been submitted in support of the application and has raised no objection to the proposals, subject to the development being carried out in strict accordance with the precautionary working measures contained within the report. This condition is considered reasonable in order that protected species are protected during the construction of the development.

7.48 For the above reasons, and with the inclusion of the conditions referenced, the proposals are considered to have an acceptable impact on ecology, in accordance with policy ENV 7 of the Local Plan, policy SPD.NE6 of the Natural Environment Supplementary Planning Document.

### **Mandatory Biodiversity Net Gain**

7.49 Mandatory Biodiversity Net Gain (BNG) is applicable to the proposed development, and the application is supported by a Small Sites Metric. A revised version of the Metric has been submitted during the course of the application to allow full consideration of the proposals by the Council's Ecology Officer.

7.50 Following review of the revised Metric, the Ecology Officer has advised that they agree within the baseline habitats for the site. They have advised that the trees recorded in the Metric as part of the on-site habitat creation will not be able to count towards mandatory biodiversity net gain, as they will be located within private curtilage. When these trees are removed from the post intervention value, the Metric no longer demonstrates a net gain on the site, rather a considerable net loss.

7.51 To achieve the mandatory net gain in biodiversity, it is likely the small number of units will need to be purchased from a habitat bank. Whilst the metric currently demonstrates a net loss in biodiversity, the Ecology Officer has agreed with the submitted baseline value for the site, and full details of the number of units which would be purchased to achieve the mandatory 10% gain will be confirmed as part of the discharge of the biodiversity net gain condition. This would be dealt with separately to other planning conditions and will require the submission of an updated metric and supporting information.

### **Flood Risk and Drainage**

7.52 Policy ENV8 of the East Cambridgeshire Local Plan 2015 (as amended 2023) states that all developments and re developments should contribute to an overall flood risk reduction. The policy also states that all applications for new development must demonstrate that appropriate surface water drainage arrangements can be accommodated within the site.

7.53 The application site is located in Flood Zone 1, which is where vulnerable development, including residential uses, should be directed.

- 7.54 The application form states that surface water will be disposed of via soakaway and foul water through a connection to the main sewer. Whilst no additional details have been provided, given the small-scale nature of the proposal which is for a single dwelling, it is considered that matters of both foul and surface water drainage could be adequately dealt as part of Building Regulations.
- 7.55 For the above reasons, it is considered the proposals would have an acceptable impact in terms of flood risk and that subject to consideration of full details as part of Building Regulations, that a suitable drainage scheme could be achieved for the site in accordance with policy ENV 8 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023).

### **Contamination**

- 7.56 Policy ENV9 of the East Cambridgeshire Local Plan 2015 (as amended 2023) states that development proposals on contaminated land (or where there is reason to suspect contamination) must include an assessment of the extent of the contamination and any possible risks and proposals will only be permitted where the land is, or can be made, suitable for the proposed use. It goes on to say that conditions may be attached to any planning permission to ensure adequate reduction and management of impacts.
- 7.57 While the proposed development is not in an identified area of contaminated land, the proposal is for the erection of a residential dwelling. Given the sensitive end use of the site, it is considered reasonable to condition an investigation and risk assessment of the nature and extent of any contamination on the site, together with for the reporting of any unexpected contamination should it be encountered during the construction phase. This approach is in accordance with policy ENV 9 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the approach taken under the previously approved applications on the site.

### **Climate Change**

- 7.58 Policy ENV4 of the East Cambridgeshire Local Plan 2015 (as amended 2023) states that:
- 'All proposals for new development should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable' and 'applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction.'*
- 7.59 The adopted Climate Change SPD encourages all development to include sustainability measurements within their proposal. The proposals include solar panels to the front and rear roof slopes of the dwelling, and the location of a heat pump is also indicated on the proposed plans. These measures are considered to align with the aims of policy ENV 4 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Climate Change Supplementary Design Guide.

## **Other Material Matters**

- 7.60 A number of concerns have been raised regarding the substation adjacent to the site, particularly the emergency access to the substation and the cables which also run under the site. UK Power Networks raised no objections to application 16/00825/FUL and did not comment on application 19/00596/FUL. In respect of their comments on application 22/00585/FUL and the current proposals, they have noted that the development may have a detrimental impact on the right of access to and from the substation and as UK Power Networks require 24-hour access to the substation and this should be considered during the design of the development. It is however noted that the layout of the site and the access that would be provided to the substation has not changed from the previous applications. It is noted that UK Power Networks have legal access to the substation which will be maintained as part of this application and is to be dealt with by the appropriate parties. This view was echoed by the Planning Inspector who dealt with the appeal of application 04/00157/FUL which was refused at the site.
- 7.61 The presence of cables running through the site has also been noted. UK Power Networks have advised that there are underground cables on the site associated with the substation which run in close proximity to the proposed development and prior to the commencement of works accurate records should be obtained, all works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground services and should any diversion works be necessary as a result of the development, then enquiries should be made to UK Power Networks.
- 7.62 Comments have been made to the appearance of the dwelling, noting that it appears to be a temporary structure without proper foundations, and it believed that this could be to avoid the expense of moving the underground cables. Whilst this is considered to be a separate matter outside of the consideration of the application, the method of construction has been considered within the visual amenity section of this report in so far as the impacts that it would have on the appearance of the dwelling and the character of the street scene and wider area.

## **8.0 Planning Balance**

- 8.1 Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 The site is located within the development envelope for the Newmarket Fringe, where the principle of development is considered to be acceptable. The previous planning history on the site is noted and forms a material planning consideration in the determination of the current proposals. Whilst the design of the dwelling varies under the current scheme from the previous applications, it is not considered that the appearance of the dwelling would result in significant or demonstrable harm to the character and appearance of the street scene and wider area. The proposal is considered to have an acceptable impact on residential amenity, highway safety and all other relevant planning considerations.

8.3 In conclusion, the proposals accord with the relevant policies of the development plan therefore the application is recommended for approval, subject to the conditions set out below.

### **Human Rights Act**

8.4 The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance. The Council is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

### **Equalities and Diversities**

8.5 In considering this planning application due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Account has been taken of the PSED and it is considered that the recommendation set out below would not undermine the objectives of the duty.

## **9.0 APPENDICES**

Appendix 1 – Recommended conditions

### **PLANS**

The following plans are a selection of those submitted as part of the application and are provided to illustrate the proposed development. They may not be to scale. The full suite of plans can be found on the Council's website.





## Appendix 1 – Recommended Conditions

### Approved Plans

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

Plan Reference	Version No	Date Received
01 E		6th January 2026
Preliminary Ecological Appraisal		6th January 2026
001 E	Ver A	21st April 2026

Reason: To define the scope and extent of this permission.

### Commencement of Development

- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

### Investigation of Contamination

- 3 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
- (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with 'Land Contamination Risk Management' (LCRM), Environment Agency, 2020. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 (as amended 2023). The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

#### Arboricultural Method Statement

- 4 No development shall take place until a detailed Arboricultural Method Statement (AMS) compliant with BS 5837:2012 Trees in relation to design, demolition and construction has been submitted and approved in writing by the Local Planning Authority. The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.

Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023). The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.

#### Materials

- 5 No above ground construction shall take place on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

#### Scheme of Biodiversity Improvements

- 6 No above ground construction shall take place until a scheme of biodiversity improvements has been submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity. Reason:

To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Natural Environment SPD, 2020.

#### Soft Landscaping Scheme

- 7 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is

removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

#### Parking and Turning

- 8 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and for two cars to park clear of the public highway as shown on drawing 001 E Version A. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

#### Pedestrian Visibility Splays

- 9 Prior to the commencement of the use hereby permitted visibility splays of 1.5m x 1.5m shall be provided each side of the vehicular access measured from and along the back of the footway. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the footway.

Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

#### Heat Pump

- 10 In the event a heat pump is required to serve the dwelling hereby permitted, prior to first occupation of the dwelling, details of the heat pump shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the make, model and sound power levels of the proposed unit(s), the siting of the unit(s) and the distances from the proposed unit(s) to the boundaries with neighbouring dwellings. Where necessary, the scheme shall also provide full details of anti-vibration mounts, and all noise attenuation measures. The scheme shall be implemented as approved prior to occupation of the dwelling to which it relates and thereafter maintained as such.

Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and to safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

#### Construction Hours

- 11 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

#### Reporting of Unexpected Contamination

- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

- 13 Preliminary Ecology Appraisal

The development shall be carried out in strict accordance with precautionary working measures set out within the Preliminary Ecology Appraisal prepared by Arbtech and dated 10<sup>th</sup> September 2025.

To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 (as amended 2023) and the Natural Environment SPD, 2020.

#### Removal of Permitted Development Rights

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Class(es) A, B, D and E of Part 1 of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023).



## Planning Performance – March 2026

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>	125	4	19	15	17	19	40	11
<b>Determined on time (%)</b>	-	100% (90% within 13 weeks)	79% (80% within 8 weeks)	100% (90% within 8 weeks)	94% (90% within 8 weeks)	95% (80% within 8 weeks)	100% (100% within 8 weeks)	N/A
<b>Approved</b>	103	3	17	14	13	18	38	N/A
<b>Refused</b>	11	1	2	1	4	1	2	N/A

### Validations

78% validated within 5 working days (ECDC target is 85%).

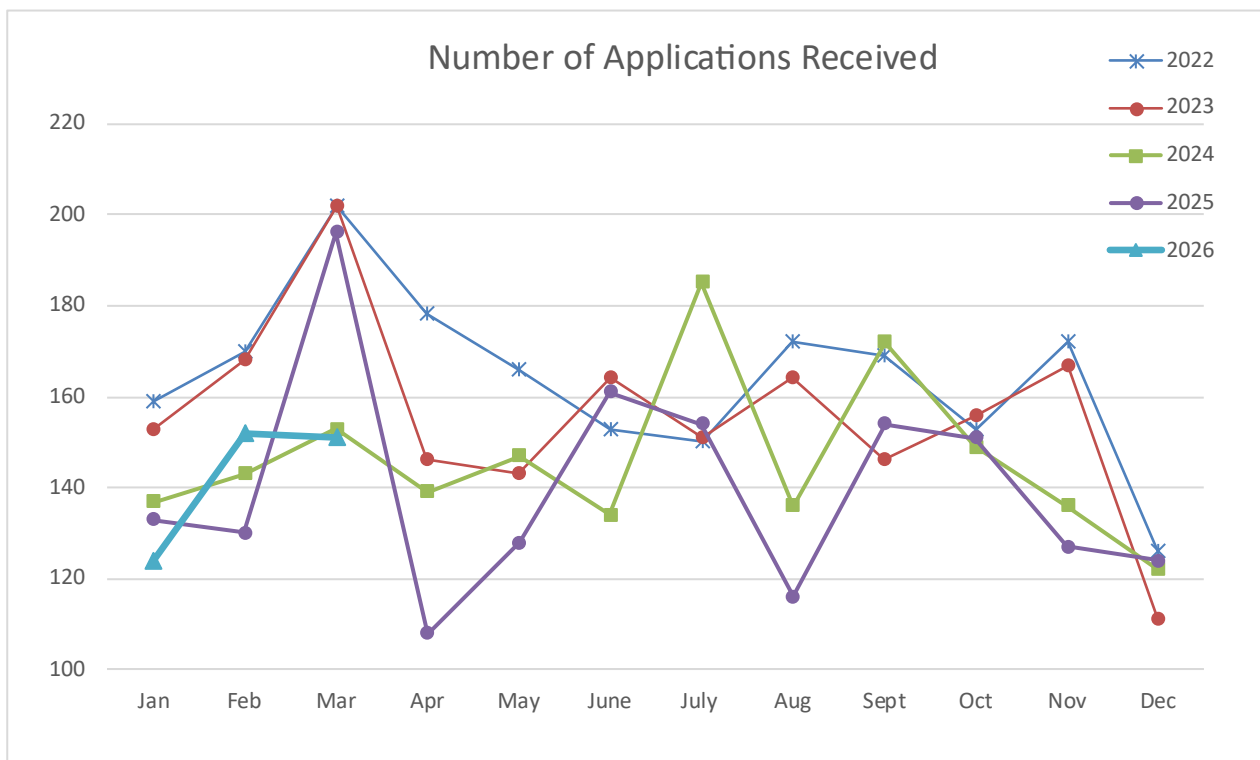
	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
<b>Validations</b>	141	5	11	37	24	16	32	16

### Open Cases by Team (as of 23 April 2026)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees	Pre App
<b>Team North (7 FTE)</b>	178	16	35	33	35	48	0	11
<b>Team South (7 FTE)</b>	141	15	27	22	30	25	0	22
<b>No Team (2 FTE)</b>	25	0	0	0	3	1	21	0

('No Team' includes: Trees Officer and Conservation Officer)

The Planning department received a total of 151 applications in March 2026 which is a 23% decrease to the total received in March 2025 (196) and a 0.7% decrease to the total received in February 2026 (152).



**Valid Planning Appeals received in March 2026: 1**

Appeal Reference	Site Address	Decision Level *
26/00004/REFAPP	Land Adj To 1 Victoria Place Sutton Ely Cambridgeshire CB6 2NP	DEL

**Appeals decided: 6**

Appeal Reference	Site Address	Decision Level *	Outcome
25/00025/REFAPP	121 North Street Burwell Cambridge CB25 0BB	DEL	DISMIS
25/00027/LBCAPP	121 North Street Burwell Cambridge CB25 0BB	DEL	DISMIS
25/00031/REFAPP	Britannia 5 Kirtling Road Saxon Street Newmarket Suffolk CB8 9RR	DEL	DISMIS
25/00037/REFAPP	5 Newmarket Road Cheveley Newmarket Suffolk CB8 9EQ	DEL	ALLOW
26/00001/REFAPP	53 Teal Avenue Soham Ely Cambridgeshire CB7 5UX	DEL	DISMIS
26/00003/REFAPP	Site South Of 38 Mildenhall Road Fordham Cambridgeshire	DEL	DISMIS

**Upcoming Hearing dates: 0**

## Enforcement

**New Complaints registered:** 24 (3 Proactive)

**Cases closed:** 24 (1 Proactive)

**Open cases per Officer (2.6fte):** 151 (27 Proactive) / 2.6fte = 58 FTE

**Notices served:** 2

### Comparison of Enforcement complaints received during March

Code	Description	2025	2026
<b>ADVERT</b>	Reports of unauthorised adverts		1
<b>COND</b>	Reports of breaches of planning conditions	2	3
<b>CONSRV</b>	Reports of unauthorised works in a Conservation Area		
<b>DEM</b>	Reports of unauthorised demolition in a Conservation Area		
<b>HEDGE</b>	High Hedge complaints dealt with under the Anti-Social Behaviour Act		
<b>HEDBR</b>	High hedges breach		
<b>LEGOB</b>	Legal Obligation monitoring		
<b>LEGOR</b>	Legal Obligation report		
<b>LISTED</b>	Reports of unauthorised works to a Listed Building	1	2
<b>MON</b>	Compliance Monitoring		
<b>OP</b>	Reports of operational development, such as building or engineering works	7	5
<b>OTHER</b>	Reports of activities that may not constitute development, such as the siting of a mobile home		2
<b>PLAN</b>	Reports that a development is not being built in accordance with approved plans	4	2
<b>PRO</b>	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions		3
<b>TRECON</b>	No notice of tree works in a Conservation area		
<b>TREHDG</b>	Hedgerow Regulations breach	1	
<b>TRETPO</b>	Unauthorised works to TPO tree	1	
<b>UNTIDY</b>	Reports of untidy land or buildings harming the visual amenity		1
<b>USE</b>	Reports of the change of use of land or buildings	4	5
<b>TOTAL</b>		<b>20</b>	<b>24</b>

\* Code descriptions:

<b>DIS</b>	Discharge of Condition	<b>DISMISS</b>	Appeal Dismissed
<b>NMA</b>	Non material Amendment	<b>ALLOW</b>	Appeal Allowed
<b>COMM</b>	Committee Decision	<b>NONDET</b>	Appeal for non determination
<b>DEL</b>	Delegated Decision	<b>APPWIT</b>	Appeal withdrawn



**Title: Annual Planning performance report in resolving planning enforcement cases – March 2026**

Committee: Planning Committee

Date: 6 May 2026

Author: Juleen Roman, Planning Enforcement Team Leader

Report number: AA190

Contact officer: Juleen Roman, Planning Enforcement Team Leader  
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## **1.0 Purpose of report**

1.1 This report details the Council's performance in resolving planning enforcement cases and its development monitoring caseload between 1 April 2025 and 31 March 2026.

## **2.0 Recommendations**

2.1 The meeting is recommended to note the content of the report.

## **3.0 Introduction**

3.1 This is an annual report to the Planning Committee on the Council's performance in respect of planning enforcement and development monitoring.

## **4.0 Report Details**

4.1 The table below sets out a range of statistical information relating to the number of planning enforcement and development monitoring cases between 1 April 2024 and 31 March 2026 with details of formal action taken.

<b>Year</b>	<b>2024/2025</b>	<b>2025/2026</b>
Planning enforcement reports received (including high hedges, trees & hedgerows)	200	236
Proactive cases opened	17	21
Development monitoring cases opened	0	4
<b>Total cases received/opened</b>	<b>217</b>	<b>261</b>
Planning enforcement reported cases closed (including high hedges, trees & hedgerows)	199	276
Proactive cases closed	13	14
Development monitoring cases closed	2	8
Total planning enforcement reported cases on hand at end of year (as of 31st March)	163	120
Total proactive cases on hand at end of year (as of 31 <sup>st</sup> March)	17	25
Total development monitoring cases on hand at end of year (as of 31st March)	8	5
<b>Total planning enforcement/proactive/monitoring caseload at end of year (as of 31<sup>st</sup> March)</b>	<b>188</b>	<b>150</b>
Enforcement Notices & Listed Building Enforcement Notices served (excluding any issued by Cambs County Council within the district)	6	5
Breach of Condition Notices served	0	0
Section 215 Untidy Land Notices served	0	0
Temporary Stop Notices served	0	1
Advert related Notices served	0	0
Planning Contravention Notices served	23	22
Section 330 Notices (requisition for information) served	0	0
High Hedge Notices served	1	0
<b>Total Notices Served</b>	<b>30</b>	<b>28</b>

4.2 The table below sets out a range of statistical information relating to the number of planning enforcement and development monitoring cases for the past year 1 April 2025 to 31 March 2026 with details of formal action taken.

<b>Quarter</b>	<b>Quarter 1 (1 Apr – 30 Jun 2025)</b>	<b>Quarter 2 (1 Jul – 30 Sept 2025)</b>	<b>Quarter 3 (1 Oct – 31 Dec 2025)</b>	<b>Quarter 4 (1 Jan – 31 Mar 2026)</b>
Planning enforcement reports received	62	59	48	67
Proactive cases opened	2	7	2	10
Development Monitoring cases opened	0	0	2	2
Planning enforcement reported cases resolved	69	85	65	57
Proactive cases resolved	4	4	6	0
Development Monitoring cases resolved	3	2	2	1
Planning enforcement cases on hand at end of quarter	154	125	111	120
Proactive cases on hand at end of quarter	16	19	15	25
Development Monitoring cases on hand at end of quarter	6	4	4	5
<b>Total case load on hand at end of quarter</b>	<b>176</b>	<b>148</b>	<b>130</b>	<b>150</b>
Enforcement Notices & Listed Building Enforcement Notices (excluding any issued by Cambs County Council within the district)	2	0	2	1
Breach of Condition Notices	0	0	0	0
Section 215 Untidy Land Notices	0	0	0	0
Temporary Stop Notices	0	0	0	1
Advert related Notices	0	0	0	0
Planning Contravention Notices	6	6	8	2
Section 330 Notices (requisition for information)	0	0	0	0
High Hedge Notices	0	0	0	0

- 4.3 The number of new reports recorded over the past 12 months is higher than the previous year which reflects that the team now formally records more of the work we undertake. In the past when dealing with some contacts/requests passed to enforcement, although action had been taken it was not considered necessary to open a case which would take up further officer time in both enforcement and the technical support team. However in order to provide a truer reflection of the volume of work we handle any contact/request which results in the enforcement team undertaking research/visiting a site for a photo/responding to a customer/taking an action to try and prevent a breach taking place is now formally recorded so there is an audit trail and a record of the work completed.
- 4.4 In the second quarter of 2025 one of the team members left and a review of open cases was undertaken. Where cases were not considered to be expedient to pursue or had been left open for monitoring purposes, these were closed to enable officers to focus on progressing their other cases. With the team comprising of 2.6 FTE this has resulted in an average of 40 cases per officer as at year end. Although this is low in comparison with previous years, some of these cases are extremely complex and/or relate to potential legal proceedings so are taking up a lot of officer time.
- 4.5 The Enforcement review which commenced at the end of February 2025 continues and we currently have information leaflets for those who make a report to us and for those who are reported as well as an enforcement handbook for staff in the final stages of production. Our letter templates have been updated as well as the report templates that we complete when we take action or close a case, and the recording of high hedges complaints has been streamlined. We are also working on improved reporting accuracy and functionality and improvements to the customer experience for those accessing the enforcement register and reporting potential breaches to enforcement, the latter of which should result in savings in officer time in both enforcement and the technical support team as well as more accurate information being received at the outset enabling a swifter investigation.
- 4.6 The team no longer has a hard copy file for each enforcement case and is working as paperless as possible. We tested using a mobile application on a tablet on site visits to record information and take photographs. The app testing was unsuccessful, but we intend to return to further testing in the future with the assistance of ICT with a view of using a tablet to access information on site and for officers to make notes on an online form.
- 4.7 A Development Monitoring Officer is currently being recruited to the enforcement team who will focus solely on the proactive monitoring of developments. When they identify a breach, a case will be opened for the planning enforcement officers to pursue a resolution so this additional workstream will impact planning enforcement officer caseload moving forward.
- 4.8 Officers continue to be committed to taking a firm and consistent approach for breaches of planning control where material harm has taken place. We are progressing some long-standing and difficult cases and have sought external legal assistance when it has been considered appropriate to do so in order to facilitate this.

## 5.0 Consultation

5.1 N/A

## 6.0 Alternative Options and Reasons for Rejection

6.1 N/A

## 7.0 Implications

### Financial and Resource Implications

7.1 None.

Comments checked by:

David Morren Strategic Planning & Development Control Manager  
[david.morren@eastcambs.gov.uk](mailto:david.morren@eastcambs.gov.uk)

### Legal Implications

7.2 None.

Comments checked by:

David Morren Strategic Planning & Development Control Manager  
[david.morren@eastcambs.gov.uk](mailto:david.morren@eastcambs.gov.uk)

## 8.0 Decision Information

### Wards Affected

All

### Links to Corporate Plan and Policy Framework

Corporate priorities of preserving what's special and protecting our quality of life.

### Lead Councillor

Councillor Bill Hunt

[Bill.Hunt@eastcambs.gov.uk](mailto:Bill.Hunt@eastcambs.gov.uk)

### Document Information

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