



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

AGENDA ITEM NO 3

Minutes of a meeting of the Planning Committee held at 2:00pm on Wednesday 5th October 2022 in the Council Chamber at The Grange, Nutholt Lane, Ely, CB7 4EE.

PRESENT

Cllr Christine Ambrose Smith
Cllr Sue Austen
Cllr David Brown
Cllr Lavinia Edwards
Cllr Bill Hunt (Chairman)
Cllr Julia Huffer (Substitute for Cllr Lis Every)
Cllr Alec Jones
Cllr Lisa Stubbs (Vice-Chairman)
Cllr John Trapp

OFFICERS

Sally Bonnett – Director Communities
Gemma Driver – Planning Officer (in part)
Caroline Evans – Senior Democratic Services Officer
Richard Fitzjohn – Planning Contractor (in part)
Toni Hylton – Planning Team Leader (in part)
Anne James – Planning Consultant (in part)
Karen See – Senior Environmental Health Officer (in part)
Dan Smith – Planning Team Leader (Lead Officer)
Angela Tyrrell – Senior Legal Assistant

IN ATTENDANCE

Cllr Mark Goldsack (Agenda Item 6 / Minute 31)
Cllr Simon Harries (Agenda Item 4 / Minute 29)

John Bosdet (Objector, Agenda Item 5 / Minute 30)
Paul Hamill (Applicant, Agenda Item 5 / Minute 30)
Andy Moffatt (Applicant's Agent, Agenda Item 4 / Minute 29)
John Powell (Objector, Agenda Item 4 / Minute 29)
Peter Preston (Objector, Agenda Item 5 / Minute 30)
Sean Sullivan (Acoustics Consultant, Agenda Item 5 / Minute 30)

5 other members of the public.

Yvonne Carnichan – Development Services Support Officer
Sarah Parisi – Senior Support Officer
Melanie Wright – Communications Officer
Adeel Younis – Legal Assistant

26. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Cllrs Matthew Downey, Lis Every and Gareth Wilson

Cllr Julia Huffer was attending as a substitute for Cllr Every.

27. DECLARATIONS OF INTEREST

Cllr Stubbs declared an interest in Agenda Item 4 (20/01006/FUM, Heaton Drive and land to the west, Heaton Close, Kilkenny Avenue, Gunning Close and Nigel Road, Ely) due to being a trustee of East Cambs CLT that managed a development on nearby Simeon Close. She remained open-minded and would therefore participate in the debate and voting.

28. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- Following various alterations to the meetings calendar, Members had been provided with details of all Planning Committee commitments to the end of the calendar year.
- The new Planning Manager, Simon Ellis, would join the Council on 31st October.
- The new Director Operations, Isabel Edgar, would join the Council on 7th November.

29. 20/01006/FUM – HEATON DRIVE AND LAND TO THE WEST, HEATON CLOSE, KILKENNY AVENUE, GUNNING CLOSE AND NIGEL ROAD, ELY

Anne James, Planning Consultant, presented a report (X76, previously circulated) recommending approval of an application seeking permission to develop parts of the former RAF housing estate for housing and for parking for existing and new dwellings. 27 new dwellings were proposed including nine affordable dwellings, six of which would be affordable rental properties with the other three offered for low cost ownership. The proposed 33% affordable housing was above the level required by local policy, and Members were informed that the applicant had separately committed to increasing the affordable housing provision *via* an agreement that would be secured outside the Planning process.

Members were each provided with a colour copy of the site plan showing the intended locations of all of the new parking spaces and each of the planned dwelling types: two-storey apartment blocks, two-storey dwellings, and a bungalow. The site area was approximately 8.8ha and included 88 existing dwellings (photographs of which were shown) that had been used by the RAF and then by the United States Air Force prior to being unoccupied since 2012. The Princess of Wales Hospital was to the west of the site and the planned North Ely development would be to the north and east on what was currently agricultural land, as shown on an aerial photograph. The site benefited from a large central area of public open space that was fringed by mature trees, many of which were protected and would be unaffected by the application. The new housing was mostly proposed adjacent to the northern and eastern site boundaries.

The material Planning considerations for the application were deemed to be:

- **Principle of development** – the number of proposed dwellings had been reduced from 53 to 27 due to public opinion and letters of representation that had been received. The site was located within the development envelope of Ely and was policy-compliant. There would be no detrimental

impact on visual or residential amenity and there had been no highways objections. The proposal was therefore considered to be acceptable in principle.

- **Residential amenity** – the layout and design of the proposed new housing would include acceptable separation distances between new and existing properties and would not materially impact upon the residential amenity of the existing occupiers. The new dwellings would provide an acceptable living environment for the new occupiers.
- **Visual amenity** – the central area of public open space would be retained, with limited infilling around the edges of the site. Elevations and locations of each property type were provided, together with a street scene image for the development adjacent to Merrifield Gardens.
- **Highways and parking** – the existing junctions had been assessed by the Local Highway Authority and no concerns had been identified. No modifications were proposed to any existing junctions or to the highway network. 171 new parking spaces were proposed for the existing dwellings together with 60 new spaces for the proposed dwellings. Further details would be required regarding the provision of cycle storage facilities and electric car charging points.
- **Connectivity** – the site was considered to be in a sustainable location, served by a range of sustainable modes of transport. An aerial view of the site in the wider context of the proposed North Ely development plans indicated possible routes between the sites. A new route to the north of the application site was proposed, and an existing public right of way near the water tower to the eastern boundary already provided pedestrian access (vehicular access at that point had been permanently closed). Details of the opening for the northern access point for non-motorised traffic to the North Ely site would be secured by condition.
- **Ecology, biodiversity and trees** – the proposal showed neither a net loss of biodiversity nor a significant gain; a contribution to habitat creation in the Ely North Country Park would be sought *via* the S106 agreement. A total of 23 trees, mostly on the northern boundary, would be removed. None of the trees earmarked for removal were protected, and the Trees Officer had no objections since they were generally of low quality and had suffered structural failures. A landscaping scheme would be submitted and would include new trees and hedgerow.
- **Infrastructure** – the scheme would make financial contributions towards early years places at North Ely primary school, and also towards securing provision nearby or upgrading and extending the existing provision of public open space.
- **Other matters** – sufficient information had been provided to satisfy technical consultees in terms of archaeology, drainage, sustainability, accessibility and ground contamination.

In summary, the proposal demonstrated an appropriate mix of housing types and would provide an acceptable standard of living for future occupiers without compromising the living environment of the existing residents. The scheme would not adversely affect the character of the area and there were no highways implications. Overall, the proposal was considered to represent sustainable development and would comply with policies HOU1, HOU2, ENV1, ENV2, ENV7, ENV8, COM7 and COM8 of the Local Plan 2015, as well as the aspirations of policy

GROWTH2 regarding infill development. It was therefore recommended for approval subject to conditions and the completion of a S106 legal agreement.

On the invitation of the Chairman, John Powell addressed the Committee on behalf of the Ely Cycling Campaign. He explained that the group had been formed in 2013 due to the poor cycle access to the train station and it now had 27 active members and approximately 50 other members. They had two main issues to raise regarding this application. Firstly, the applicant had previously stated *via* email that there would be a cycle link from the north end of Nigel Road when the North Ely Phase 2 was built, but the applicant's plans showed only a footway. They suggested that a cycle route should be included as a condition. Secondly, they disagreed with the report's comments that the travel plan included sustainable measures. They considered that the proposal would increase the deficiencies in access to and from Lynn Road, and the nearby Hopkins Development was referenced regarding its request to be released from an obligation for cycle route provision. Clarification was needed regarding the classification of the route referred to as a bridleway in paragraph 7.5.12 if it was to be used as a pedestrian and cycle route. Cycle access between the development and key destinations was important and the cycle path south of Kings Avenue towards the city centre needed to be built. The Council's Sustrans report for a Little Downham route included the section on the south side of Lynn Road that Hopkins were unable to provide, and he therefore suggested that the applicants make a S106 contribution towards a cycle route that would reach the centre, station and schools.

Cllr Trapp asked for further clarification about the cycle routes that he had been discussing. The objector explained that full details had been included in the group's June 2021 objection, and described the problems with both the existing cycle route along the north section of Lynn Road and the proposed route along the southern section. He also confirmed that access to Nigel Road would give future North Ely residents access to the hospital and onwards to the city centre if Lynn Road improvements were made. Therefore, improving the cycle access to the development site would additionally give benefits to others. The site was just outside the area covered by the SPD 2014 for North Ely but he considered that the same principles should apply.

Cllr Jones questioned whether the issue with Hopkins' cycle route development was to do with cost or it not being possible. The objector reiterated that the Hopkins development had a condition to provide a cycle path to Egremont Street but had recently submitted an application to remove the condition for the southern part of the route.

Andy Moffat, the applicant's agent, then addressed the Committee. He summarised the application and emphasised that it had been amended following the pre-app enquiry and public exhibition in early 2020, and further amended during the application process. The City of Ely Council had no concerns and the site was within the development envelope. The central public open space would remain undeveloped and there would also be a woodland walk to the west of the site. The proposal was of an acceptable standard for existing and future occupants and there would be no impact on the character of the area. There were no highways issues and overall it met both the aspirations and the wording of the relevant policies in the 2015 Local Plan. Regarding the comments from the Ely Cycling Campaign, there was a Planning condition regarding the link to the north west and the reason

for a footway rather than a cycleway was that Nigel Road did not currently have a cycleway. This was part of a wider issue within Ely and Members were reminded that the development under consideration was for only 27 dwellings.

There were no questions from Members for the applicant's agent.

Cllr Harries was then invited to address the Committee as a Ward Member for the application site. He explained that he represented the collective views of himself and Cllr Alison Whelan, who had been closely involved but was unable to attend the meeting due to ill health. He thanked the applicant and the Officers for listening to residents' concerns and amending the proposal to simplify it, to reduce the number of properties, and to increase the affordable housing provision. He was pleased to see that a third of the properties would be affordable, and that six properties would be affordable rental properties. Some objections to development of the site remained but he understood that it was within a growth area and fitted with the development plan, and due to the requirements of the Ministry of Defence the development of the site was inevitable. The central open space was a much-loved important amenity and he strongly recommended that it should be designated as a village green to give residents the assurance that it was protected. Regarding all aspects of transport access, as a member of the Council's Bus, Cycle, Walk Working Party he was well aware of cycleway issues and had also personally objected to Hopkins Homes' request to remove their commitment to a cycleway to the centre of Ely. Consideration needed to be given to the Lynn Road cycleway and assurance was needed from the owners that the access along the High Flyer Avenue private road would remain. Finally, he remained sceptical that there would be no issues regarding the road access given the housing development and the proposed hospital development, but accepted that these were wider issues for the general area rather than specific to this particular site.

Cllr Brown asked whether the issue of village green status had been raised with the City of Ely Council. Cllr Harries was unaware, but Cllr Austen commented that to her knowledge it had not been raised at any point in the previous two years.

Cllr Trapp suggested that the issues regarding a cycle path were the main concern around this application, and that the Hopkins condition for a cycle path provision would serve multiple developments. Cllr Harries commented that issues of active travel as a whole occupied a higher profile than in the past, and the Working Party had strongly recommended that active travel routes, including cycleways, should be treated seriously. For this reason, costed proposals were being prepared for various routes within the District. For all new developments, safe access for pedestrians and cyclists was vital and should be negotiated with the developers. Cllr Ambrose Smith commented that the Sustrans report regarding a Littleport to Ely route had recently been published on the Council's website and included significant problems with both proposed routes, one of which could be of benefit to this development. Cllr Harries agreed that in general the provision of a cycle route was often not straightforward even where there was an existing road connection. There was generally a large cost to the taxpayer and therefore developer contributions should be welcomed.

The Chairman invited further comments from the Officer and then questions for her from Members. Regarding connectivity, the Planning Consultant highlighted that condition 22 concerned non-vehicular access to the north west and emphasised

that negotiation would be needed with the developers of the land adjoining the site. To the east, there was currently a path (not a bridleway) used as an access that was not an official right of way. Regarding the travel plan, the submitted version was for 53 dwellings and there would be a condition requiring its revision in light of the site changes, and condition 16 was also relevant. She was not aware of any applications to protect the central open space by designation as a village green, but it would not be within the remit of the Local Planning Authority and would instead be for the Parish Council and/or local residents to pursue.

In response to Cllr Jones' request for further details about the eastern access point, the Planning Consultant explained that the Public Rights of Way Officer had clarified that the route was not a designated public right of way but was routinely in use as a historic route.

Cllr Huffer asked whether a condition could be applied regarding the provision of play equipment for non-able-bodied children. The Planning Consultant explained that there would be a S106 contribution to play equipment, which could include equipment for non-able-bodied children.

Cllr Trapp commented that the application site was 1.5 miles from the train station and, although the provision in the future and surrounding areas could not be foreseen, it would be important to ensure that there were cycle paths within the site and to its boundaries for onward connectivity. The Planning Consultant confirmed that the opportunities for connectivity to the North Ely development were within the recommended conditions.

The Chairman then opened the debate. Cllr Jones considered that the proposal was in keeping with the area and the issues that had been raised were not within the remit of the Planning Committee's decision-making. He therefore proposed that the application be approved in line with the Officer's recommendation. Cllr Stubbs seconded the proposal and thanked the Officer and agent for their collaborative work and their attention to public opinion. She commended the inclusion of nine affordable homes and added that, with the proposed expansion of the Princes of Wales Hospital there would be many opportunities for future residents to live and work locally. The Planning Consultant apologised that, having checked, the condition regarding revision of the travel plan had not been included in the proposed conditions in Appendix 1; the proposer and seconder agreed that such a condition should be included in their proposal for approval.

Cllr Ambrose Smith commented that she considered the application to be a good proposal. Cllr Brown requested that a record be made of the Committee's recognition of the work by the agent and Officers to respond to the concerns raised, particularly by reducing the number of dwellings from 53 to 27. Cllr Hunt agreed, and added that it would be good to see the unused site back in use and with a good proportion of affordable homes.

It was resolved unanimously:

That planning application ref 20/01006/FUM be APPROVED subject to the signing of the S106 legal agreement and the recommended conditions detailed in Appendix 1 of the Officer's report, together with an additional condition regarding the Travel Plan, with authority delegated to the Planning Manager

and the Director Legal Services to draft the additional condition and complete the S106 legal agreement and issue the planning permission.

2:59 – 3:01pm – brief adjournment for a comfort break.

30. 22/00158/FUM – FP MCCANN LTD, WISBECH ROAD, LITTLEPORT

Richard Fitzjohn, Planning Contractor, presented a report (X77, previously circulated) recommending approval of an application seeking part-retrospective planning permission for the retention and expansion of concrete casting beds and the construction of a production building comprising a Class B2 (General Industrial) use. The building construction had not been started but all of the casting beds were already in place. The application was being decided by the Committee due to it being a full planning application for a major employment use.

An aerial photograph and location plans illustrated the site's position to the west of Littleport and within a wider commercial premises with previous approval (16/01121/FUM) for the erection of a concrete manufacturing facility to the north and west of the application site. The site was located in Flood Zone 3, outside the development framework and within an area of B1, B2 and B8 uses. A site plan, elevations and floor plan were provided for the proposed production building (90.4m x 27.5m with 11m ridge height and 8m eaves height) in an area currently designated for storage. Photographs of the six existing casting beds, for which there was no existing planning permission, were shown and the process for their use was described. The proposal would facilitate the use of a plasma cutter instead of a circular saw for cutting the steel wires since the building would shelter the casting beds.

The main considerations for the application were deemed to be:

- **Principle of development** – the site was allocated for B1, B2 and B8 development in policy LIT4 of the Local Plan 2015 and the proposal complied with LIT4 and other relevant Local Plan policies. The principle of development was therefore considered to be acceptable.
- **Residential amenity and noise** – the applicants' noise assessment, reviewed by an acoustics consultant commissioned by the Council, concluded that noise from the site would be unlikely to give rise to noise disturbance. It was considered that the noise impacts of the proposal would be within acceptable limits and would not cause any significant noise impacts to any residential properties. Various conditions had been recommended regarding restriction of hours and the location and machinery for cutting.
- **Visual amenity** – the site was allocated for B1, B2 and B8 uses and the proposal would be viewed within the context of existing large industrial buildings, and it was considered there would be no significant visual amenity impacts.
- **Flood risk and drainage** – the application site was within Flood Zone 3A. The sequential test was passed, the exception test was not required and there would be no significant flood risk or drainage impacts. There had been no objections from the Environment Agency, the Internal Drainage Board or the Lead Local Flood Authority.

- **Highway safety** – the proposal would be served by an existing access and parking provision. There had been no objection from the Highways Authority and there would be no significant impacts upon the safety and convenience of the access, the efficiency of deliveries, or the capacity of the highway network.
- **Biodiversity** – there would be no biodiversity harm and a condition had been recommended to ensure a biodiversity net gain.
- **Energy and water** – a condition had been recommended for the building to meet an appropriate BREEAM standard or equivalent.

In summary, the site was allocated for employment development and was acceptable in principle with no unacceptable impacts on any of the main areas of consideration. There had been no objections from technical consultees and the application was therefore recommended for approval subject to conditions 2 and 9 of the Officers' recommendation being amended to specify the production building.

The Chairman then invited John Bosdet and Peter Preston to address the Committee as objectors to the proposal. They explained that all of their comments could be backed up by facts. The plant had expanded across the countryside and now occupied 30 acres, the equivalent to an area five times the size of Ely Leisure Park. The overall environmental impact was therefore the sum of its constituent parts but had never been assessed across the whole site. The Council therefore appeared to be saying that the total environmental impact did not need to be assessed, but the residents and their professional advisers took a different view. For more than a year the residents had suffered from the daily screech and dust generated by the cutting undertaken in the unauthorised casting beds. Officers had also witnessed the activity but the impact had not been assessed. For a previous application the Council and the same noise consultants as employed for this application had considered that the impact of noise for that proposed expansion would be so significant that the application should be refused. For the current application, the noise of which would be in addition to that from the previous application, the noise was however considered to be acceptable. As with the environmental impact, the residents disagreed and believed that the noise impact across the whole site should be assessed. Planning conditions to address residents' concerns would not be sufficient since residents did not believe that they would be enforced having witnessed no enforcement action on the casting bays for six months prior to a planning application being submitted. Residents and the environment would suffer the consequences of the application being approved, and the Committee were urged to refuse it due to factual inaccuracies that had been highlighted and would lead to an unsafe approval.

Cllr Jones asked for clarification as to whether their objection was solely on noise grounds rather than visual impact. On hearing that the main concern was the noise and dust from the beam cutting, he suggested that the plasma cutter that could be used in place of a circular saw if the application was approved would be beneficial by reducing the noise. Mr Preston disagreed and explained the manufacturing process as he understood it.

Cllr Trapp explained that having been given a demonstration of the plasma cutter in action during the site visit it had produced little dust and had been relatively quiet; once in the proposed building the noise would be further reduced. There would be a condition ensuring the use of the plasma cutter rather than the circular saw. He

therefore suggested that the proposal would be an improvement. Mr Bosdet suggested that the Committee members had seen what the applicant chose to show them, and the residents had noticed how quiet the site had been that day. He reiterated that the overall impact of all of the noise across the whole site should be assessed.

Cllr Jones questioned whether the objectors had any concerns about drainage and Mr Preston explained that they had general concerns about drainage in the area since there was regularly standing water on the nearby fields in the winter months, but that was not specific to the application. Cllr Jones further questioned whether the residents considered that any screening for noise or visual impact would be helpful, and asked about the different working hours across the site. Mr Preston stated that there were no proposals for screening, and the residents to the east of the site were greatly impacted by the noise from the beam casting. Regarding the working hours, he explained that there were differences between the various Planning permissions for the site.

On the invitation of the Chairman, Paul Hamill addressed the Committee on behalf of the applicant. He explained his background in Town Planning and then welcomed the Officer's report and conclusions. He reminded Members that the application site lay entirely within an existing area of industry and had been subject to detailed assessment for the Local Plan 2015 – which had been consulted on – in which the area was designated for B1, B2 and B8 uses. Highways, visual impact, ecology and drainage were all without issue. Regarding noise, Members' attention was drawn to paragraphs 7.43 and 8.4 of the Officer's report and the noise that would be generated by the proposal was well within acceptable limits. The proposal represented an improvement on existing conditions since the building would screen noisy and dirty activities as well as improving the environment for the employees. Both of the objectors who had addressed the Committee lived approximately 600m from the site at locations included in the noise assessments. They had consistently opposed developments at the site since its acquisition in 2013, including judicial reviews and appeals that had caused delays and incurred costs. More than 100 properties had been notified about the Planning application but only two objections had been received. The company had invested in Littleport, creating and sustaining employment opportunities, and the materials produced on-site were used in nationally significant projects. There were no expert objections to the proposal and it accorded with the Local Plan and national policies. There were no Planning reasons for refusal and there were significant benefits to the proposal.

Cllr Trapp asked whether the applicant was willing to accept a condition restricting cutting to take place inside the building and using a plasma cutter; whether concrete was produced on-site and if so whether it was noisy; and how the various steel structures that had been seen on-site were cut. Mr Hamill confirmed a willingness to accept the cutting condition and explained that plasma cutters were already available but could not generally be used outside which is why the circular saws were currently used. Concrete was mixed on-site, with all processes built into the company's existing operations. Some of the various steel structures were fabricated on-site but Members were reminded that the entire area to the south of the site to Wisbech Road is approved for B2 use, so concrete cutting could lawfully happen on any part of that site, and similarly it could happen anyway within the extension site which was approved under the 2016 application.

Referring to comments from the Fire & Rescue Service regarding provision of fire hydrants, which the Officer had not considered to be necessary, Cllr Brown asked whether the applicant would accept a condition for their provision. Mr Hamill agreed with the Officer that it was unnecessary due to the nature of the location as part of an established site with ongoing activities, but would comply if such a condition was imposed.

Cllr Stubbs questioned the retrospective nature of part of the application, given the applicants' familiarity with the Planning process. Mr Hamill explained that B2 permission for that area of the site had been applied for in 2013 and they had understood that the casting beds would therefore be acceptable as a permitted development. The Council had taken a different view, hence the Planning application, but the company had seen an opportunity in the market and time had been of the essence. Cllr Stubbs then asked about the number of plasma cutters on-site and how dust was controlled since the objectors had referenced dust being a regular feature apart from during the Committee's site visit. The applicant believed that there were two plasma cutters available to use. Regarding dust, this was exacerbated in high winds but the site had been visited by Officers from Environmental Health and from Planning several months earlier and it was considered that some of the apparent dust was in fact steam rising from the beds. The company held a Pollution Prevention Control Permit, separate to the Planning process, that was overseen by the Environmental Health team and controlled and policed dust emissions from the site.

Cllr Hunt asked about employment levels on this site and was initially told that there were approximately 100 staff, with a further 90 to be employed on the extension site, before clarification that the number had reduced as a result of Brexit and COVID. Mr Hamill then confirmed that the building would be insulated for sound and heat, with a concrete lower wall with insulated steel above.

Cllr Jones commented that there had been no concrete cutting taking place during the morning's site visit, and questioned whether that was the norm. Further, if there was on-site cutting he requested information about the location and sound-proofing. Mr Hamill explained that cutting to size was avoided wherever possible but storage constraints on site had led to a recent need for more cutting while the conditions for the site's expansion were addressed. All concrete cutting took place in the permitted B2 area and although there was no formal sound-proofing in place it does take place in an area with steel containers on two sides and a concrete wall on one side so it is enclosed or there are barriers around it as far as possible so its as good as it can be without fully enclosing it with a building.

The Chairman invited questions for the Case Officer, who explained that Sean Sullivan (acoustics consultant for the Council on this application) and Karen See (Senior Environmental Health Officer) were also available to answer any questions more suited to their areas of expertise.

Cllrs Trapp and Huffer asked about the height of "Building B" on the adjacent approved site, and whether it would essentially shield the application under consideration. The Planning Contractor stated that "Building B" was not yet constructed but would be taller than the building in the current application although it would have a smaller footprint. Although "Building B" would provide some

screening from Little Marefen Drove the proposed production building would be visible from multiple locations.

Cllr Brown understood that the proposed building would be within the confines of an existing industrial site but questioned why the fire hydrants requested by Cambs Fire & Rescue had not been conditioned. The Planning Consultant referred to paragraph 7.72 of the report and added that a similar stance had been taken on the adjacent site. He confirmed to Cllr Trapp, who considered that the distance from the main road would make hydrants beneficial, that Members could add a condition at their discretion.

Cllr Stubbs asked for more information about noise, given the objectors' clear concerns and their statements regarding the increased noise over the previous six months. The acoustics consultant explained that he had reviewed the applicant's noise assessment and considered the assumptions made within it about the site's activities. He had also undertaken his own investigations regarding noise levels and propagation. Considered together, based on worst-case scenarios, and with the building's shutters open to 3m, he had no significant concerns when compared to the background estimates for nearby residences and he did not consider that there would be a significant impact on those residences.

Cllr Stubbs then asked the Senior Environmental Health Officer for her comments on the application. The Officer explained that a colleague had kept a watching brief on the correspondence and were satisfied that the correct information had been supplied and no significant noise impact would occur. Noise and dust complaints had been investigated but Officers had not been able to witness significant dust deposits coming off the site, although it had been observed on-site. During one 7:24am visit steam and vapour had been seen, and dust could be seen when the cutter started, but it was all within the site. She also explained that noise was not included within the environmental health permitting regime, although dust was and an existing permit controlled the on-site dust.

Cllr Jones asked about the forecast noise values, specifically whether they were for the use of a plasma cutter or a circular saw, and whether a noise assessment including actual acoustic measurements had taken place at the site boundaries. The acoustic consultant stated that the use of a plasma cutter had been assumed and that vehicle movements had also been included as a noise source. This was the third application that they had reviewed for the site and as part of the whole process he had carried out noise reports but for this particular application it had been a purely desktop exercise using data from previous assessments to inform the study. No edge of site survey had been undertaken.

In response to a question from Cllr Jones about working hours, the Planning Contractor explained that the wider site was made up of multiple planning permissions which each had different time limits. Consideration of this application could not amend the approved hours of other applications.

The Chairman then opened the debate. Cllr Jones commented that the noise was the biggest concern and he considered that the application would improve the current situation. He could understand why the casting bays had already been installed, and in any case they would be straightforward to remove. He was broadly

in favour of the application and was confident that Officers would ensure compliance.

Cllr Huffer referenced a site within her Ward that she considered would benefit from installation of a building to reduce the noise impact of activities, and she proposed that the application be approved in line with the Officer's recommendation since it would improve the situation for the neighbours. Cllr Brown seconded the proposal, subject to the addition of a condition regarding fire hydrants, which Cllr Huffer accepted.

The Planning Contractor reminded Members that although the proposed building would reduce the noise of the casting beds, the casting beds did not currently have permission either. The Lead Officer clarified that the site has a storage use and the casting beds did not have permission, and the application therefore needed to be considered in that light, with Members needing to be satisfied that both the casting beds and the building would be acceptable in the proposed location.

Cllr Huffer confirmed that her opinion to support the Officers' recommendation was unchanged, the products were sold and distributed within the UK, it was an employment site, there was clearly a business need for the concrete beds, and the building would offer protection for the residents.

The Lead Officer requested that if the application was to be approved then the wording of condition 11 should be revised to ensure that the cutting could only take place within the production building and not on land outside of the production building.

It was resolved unanimously:

That planning application ref 22/00158/FUM be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report, with minor amendments to conditions 2, 9 and 11,¹ and an additional condition regarding the provision of fire hydrants.

It was further resolved:

That the Planning Team Leaders be given delegated authority to draft the additional condition regarding the provision of fire hydrants.

4:08 – 4:17pm – brief adjournment for a comfort break.

¹ Condition 2, add underlined wording: "Prior to commencement of development of the production building..."

Condition 9, remove crossed-through wording and add underlined wording: "...within six months of first occupation of the site production building..."

Condition 11, remove crossed-through wording and add underlined wording: "...hereby permitted, only relates to the use shall only be carried out within the production building and ~~does not relate to any~~ on land outside of the production building."

31. **22/00249/FUL – 101 CLAY STREET, SOHAM, CB7 5HL**

Toni Hylton, Planning Team Leader, presented a report (X78, previously circulated) on behalf of the Case Officer recommending refusal of an application seeking retrospective permission for the replacement of an 8ft conifer hedge with a 6ft fence and trellis around part of the site boundary adjacent to the highway.

Members were shown a location plan and aerial photograph illustrating the location on a corner plot within a predominantly residential area of the development envelope and Conservation Area. Photographs of the original hedge and the new fence were also shown.

The main considerations for the application were deemed to be:

- **Impact on the character of the street scene and Conservation Area** – photographs were provided to illustrate the mostly open frontages with low front walls or fences when looking to the north, south and west. The newly installed fence at the application site was at odds with the street scene. A nearby retrospective application (19/01626/FUL) to replace a wall with a fence had been withdrawn following a recommendation for refusal, and boundary hedging had since been planted around the fence. This was a material consideration for the current application.
- **Design quality** – the fence comprised large concrete gravel boards, wooden panel fencing, and wooden trellis above with a curved top and a total height of 1.6 – 1.8m.
- **Residential amenity** – there was no harm to adjoining neighbours.
- **Highways** – there were no safety concerns and although the construction impinged upon the public footpath causing a potential trip hazard that was a matter for the Local Highway Authority (LHA) rather than the Planning Authority. They were aware of the issues and could choose to undertake enforcement action independent of the Committee's decision regarding Planning permission.

In summary, the fence was considered to be out of keeping with the character of the area and its scale, design and materials caused harm to the visual amenity. It was therefore recommended for refusal.

The Chairman invited Cllr Mark Goldsack, to address the Committee as a Ward Councillor for Soham North. Cllr Goldsack offered the applicants' apologies for not attending due to having COVID, and also their apologies that the application was retrospective. When they undertook the works they had been unaware that planning permission was required. He considered that the concerns about the application were based on opinions – design quality, visual impact – for which others might have a more positive opinion. Conversely, the advantages of the scheme – increased safety for children in the garden and simpler maintenance – were facts rather than opinions. He drew Members' attention to the large industrial building opposite the application site, that had not been referenced when the site context was illustrated, and to the boundary wall with a fence above it to the north east which he said was unattractive and less well designed than the application under consideration. Although harm to the Conservation Area had been cited, section 5.1 of the report recorded that the Conservation Officer had not commented on the application. The report also included a summary of the neighbour's comments stating that the fence was an improvement over the hedge. The owners

considered that they had now rectified the highways problems, and he suggested that the hedge had regularly affected access to the footpath as it grew. He had called the application in for consideration by the Committee due to a lack of progress with the Officer, and he asked for the application to be approved.

The Ward Councillor informed Cllr Edwards that he believed the hedge to have been 6 – 9ft high.

Cllr Hunt asked for more information about the applicants' attempts to resolve the issue. The Ward Councillor explained that he had mediated between the applicants and the Case Officer but essentially there was conflict of opinion as to whether the fence was in keeping with the surroundings. The original highways issues had been fixed, leaving just the issue of appearance. Following a challenge from Cllr Stubbs, he further explained that the original installation had included a triangle of concrete in front of the barge boards, which the applicant had now removed and backfilled with asphalt, and concurred that it would be for the LHA to determine whether the issue had been satisfactorily fixed. He also informed Cllr Ambrose Smith that the poor condition of all of the paths in the area had been reported to the LHA.

The Chairman then invited further comments from the Planning Team Leader, followed by questions for her from Members. The Planning Team Leader reiterated that the previously-referenced withdrawn application for a retrospective fence was approximately five doors from the application site, and also described a recent decision to refuse a boundary fence in Dunstan Street, Ely, that had been upheld at appeal on the basis that the visual harm caused by the fence outweighed the safety gains it provided.

Cllr Stubbs questioned the lack of comment from the Conservation Officer. The Lead Officer explained that the sole Conservation Officer often spoke informally to Case Officers and delegated decisions on this type of application. A lack of formal comment should not be assumed to indicate a lack of concern.

The Planning Team Leader confirmed to Cllr Hunt that, if the application was refused then the applicants could submit an alternative proposal at no additional cost. She also confirmed that discussions had taken place with the applicants, for example the previously-discussed nearby application site had included planting in front of the fence to soften its appearance.

Cllr Brown questioned the relevance of the two other fence applications that had been mentioned, since the Committee needed to consider the circumstances of the proposal before them. The Planning Team Leader explained that they were both material considerations since the nearby application had been a very similar location, and the Dunstan Street application had cited safety concerns as a reason to support it.

The Chairman then opened the debate. Cllr Huffer commented that at the site visit she had seen several unattractive 6ft fences nearby, the new fence was no less attractive than an unruly hedge, and she considered that it did not cause harm to the area. Cllr Jones agreed that it provided a clearer path than when a potentially overgrown hedge was present and he thought it to be appropriate for the area. He recalled the similar nearby application but stated that the situation had been

different in that the Parish Council had objected and he thought there were some concerns about visibility at a junction. That property also had a larger garden and had therefore placed the fencing further back from the boundary with hedging in front of it. Cllr Brown also stated his agreement.

Cllr Trapp considered that the fence did affect the character of the area and although there was other hedging or fencing of a similar height nearby its style was more in keeping than the fence under consideration.

Cllr Stubbs expressed indecision. She agreed with Cllr Trapp's assessment and generally preferred to support the Officer's recommendation. However, the site was located at a busy corner and the garden was small and potentially overshadowed by a large hedge.

Cllr Ambrose Smith commented that she did not see the benefit that would be achieved by requiring the applicants to move the fence back from the boundary and plant hedging in front of it.

Cllr Trapp reminded Members of the importance of only considering Planning issues and discounting issues such as the desired use of the garden. He proposed that the application be refused in line with the Officer's recommendation. Cllr Hunt agreed and seconded the proposal.

Upon being put to the vote, the Motion to REFUSE the application was lost with 4 votes in favour, 5 votes against, and 0 abstentions.

Cllr Huffer then proposed that the application be approved on the grounds that it would not have a detrimental impact on the character of the area. Cllr Jones seconded the proposal.

It was resolved with 5 votes in favour, 4 votes against, and 0 abstentions:

That planning application ref 22/00249/FUL be APPROVED on the grounds that it did not have a detrimental impact on the character of the area.

It was further resolved:

That the Planning Team Leaders be given delegated authority to impose suitable conditions.

32. 22/00679/PIP – LAND TO REAR OF 3 CHURCH LANE, WILBURTON

Gemma Driver, Planning Officer, presented a report (X79, previously circulated) recommending approval of an application seeking permission in principle for the residential development of one detached dwelling, a single-storey garage, and associated infrastructure following the demolition of an existing building. She explained that the permission in principle consent route separated the consideration of matters related to the principle of development from all of the technical detail of the development. The route consisted of two stages, of which this was the first, whereby it was first established whether a site was suitable in principle and then the subsequent technical details consent stage would assess

the detailed development proposals. The scope of the permission in principle stage was limited solely to consideration of the location, the land use, and the amount of development. No conditions could be applied at the first stage. This application was being considered by the Committee due to it being a departure from the Development Plan.

Members were shown aerial and site photographs illustrating the location outside the development envelope, adjacent to the Conservation Area, and immediately south of land with recent approval for 30 new dwellings (19/00910/OUM and 20/01156/RMM). An agricultural barn on the site was historically used for storage. The site was close to the village centre and had easy walking and cycling routes to nearby facilities. Access was not a matter for consideration at this stage but the proposal indicated that it would be from Clarke's Lane, which was to the rear of Church Lane. Three relevant Planning permissions were described: 14/01299/FUL, an almost complete since dwelling to the front of the application site; the afore-mentioned development of 30 dwellings to the north of the site; and a development of 34 dwellings to the east of the site, behind 76 High Street (19/01772/FUL and 21/01622/FUL).

As a Stage 1 (Permission in Principle) application the only considerations for the application were:

- **Location** – the site was located outside the development envelope but was bound on three sides by residential development and could not therefore be considered to be a rural location which contributed significantly to the character of the countryside. It was in a sustainable location 10 minutes walk from the village centre. Although it was contrary to policy GROWTH2 of the Local Plan 2015 the surrounding development was a material consideration and this was considered to be a unique site that would allow approval at variance with the policy.
- **Land use** – the proposed land use would be a single unit of residential accommodation (use class C3) and, whilst not currently in residential use, it was not considered that this would be at odds with the surrounding context. By considering the location of the site to be acceptable on the basis of the surrounding residential use, the use of the land for a dwelling would also be considered to be acceptable.
- **Amount of development** – an indicative site plan showed that there would be sufficient space to accommodate a two-storey dwelling and amenity space within the site's 530sqm. Surrounding plots to the north were of a similar size and the proposed amount of development could be achieved. Attention would need to be given at the technical details stage to working within the site's constraints.

Comments from consultees had been noted but due to the limits on matters for consideration at the permission in principle stage were not given weight at this point. These included references to amenity, impact on the Conservation Area, biodiversity and tree impacts. There had been no comments from the Parish Council or Ward Members.

In summary, although the proposal did not represent an exception within policy GROWTH2, the change in character of the area was a material consideration justifying a decision at variance with the Local Plan. In considering the location, land use, and amount of development it was considered that, subject to an

appropriate technical details application, one dwelling could in principle be accommodated on the site. The application was therefore recommended for approval.

There were no public speakers and therefore the Chairman invited questions for the Officer from Members.

Cllr Huffer asked whether approval contrary to the Local Plan 2015 would potentially lead to many infill development requests. However, the Planning Officer considered the site to be so unique that it would not set a precedent. The development to the north of the site effectively severed its countryside connection, which is what GROWTH2 sought to protect.

Cllr Stubbs echoed Cllr Huffer's concerns and asked about the consideration of access, parking, and drainage, as well as questioning whether an application could be refused at the second stage if permission in principle had been granted. The Planning Officer explained that all technical matters would be considered at the second stage and conditions could be applied at that point. A refusal on principle could not be given at the technical details stage but refusal on other grounds such as amenity, conservation or trees meant that a development could be stopped at stage 2 if it was not acceptable.

Cllr Brown asked whether the technical details application would also be considered by the Committee, given the amount of unknowns at the permission in principle stage. The Lead Officer confirmed that the Constitution allowed that.

Cllr Trapp commented on the grass access route to the south that had been used for the site visits, which differed from the indicative northern site access, and asked whether it could potentially be developed in the future. The Planning Officer replied that it was not part of the application site and she could not comment in order not to prejudice any potential future applications.

The Chairman then opened the debate.

Cllr Brown explained that he had initially been concerned by a proposal to build outside the development envelope but having visited the site he considered that due to its location and access it was a true exception. Cllr Jones agreed and proposed that the application be approved in line with the Officer's recommendation. Cllr Trapp seconded the proposal.

It was resolved unanimously:

That planning application ref 22/00679/PIP be APPROVED.

5:04pm – Cllr Alec Jones left the meeting and did not return.

33. PLANNING PERFORMANCE REPORTS – JUNE, JULY AND AUGUST 2022

Dan Smith, Lead Officer, presented three reports (X80 – X81, previously circulated) summarising the performance of the Planning Department in June, July and August 2022. He highlighted that the department was generally meeting or exceeding its determination targets and the support team were significantly exceeding the

validation targets. The number of applications received in June and July were similar, and lower than in the same months in recent years. Submissions had increased in August but were also lower than in 2019-21. Four appeals had been received in June, six in July, and five in August. This included the appeal for the Bloor development on Fordham Road in Isleham that had been a Committee decision in April. Across the three months there had been 16 appeal decisions of which twelve had been dismissed. Of the four allowed appeals, two related to the mug at the High Flyer pub in Ely, which had been allowed but only for a period of two years after which it must be removed. One of the permitted appeals related to a Committee decision on 14 The Avenue, Burwell, which Cllr Brown reminded Members was an application that the Committee had refused for two dwellings. The Committee had approved a subsequent application for a single dwelling on the site but the applicants had also appealed against the original decision.

In response to a question from Cllr Stubbs, the Lead Officer explained that the Lazy Otter at Stretham had been served an enforcement notice following the refusal of permission for change of use from a pub to a dwelling, but the owner had appealed against both the refusal and the enforcement notice.

It was resolved:

That the Planning Performance Reports for June, July and August 2022 be noted.

The meeting concluded at 5:10pm.