



# 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 November 2023

### **Present:**

Cllr Chika Akinwale  
Cllr Christine Ambrose Smith  
Cllr David Brown  
Cllr Lavinia Edwards  
Cllr Martin Goodearl  
Cllr Kathrin Holtzmann  
Cllr Bill Hunt  
Cllr James Lay  
Cllr John Trapp  
Cllr Christine Whelan  
Cllr Gareth Wilson

### **Officers:**

Maggie Camp – Director Legal Services  
Jane Webb – Senior Democratic Services Officer  
Simon Ellis – Planning Manager  
Catherine Looper – Planning Team Leader  
Cassy Paterson – Planning Officer  
Dan Smith – Planning Team Leader  
Angela Tyrrell – Senior Legal Assistant

### **In attendance:**

Rebecca Smith – Vistry House Building (Applicant, Agenda Item 5 & 6 / Minute 43 & 44)  
Mike Rose (Objector, Agenda Item 7 / Minute 45)  
Anne Dew – Persimmon Homes (Applicant, Agenda Item 7 / Minute 45)  
Rob Hill – Drainage Consultant (Applicant, Agenda Item 7 / Minute 45)  
Ben Purdy – Persimmon Homes (Applicant, Agenda Item 7 / Minute 45)  
Cllr Anne Pallett – Soham Town Council (Agenda Item 7 / Minute 45)  
Edward Clarke – Cheffins (Agent, Agenda Item 8 / Minute 46)  
Phil Mead (Applicant, Agenda Item 9 / Minute 47)

Lucy Flintham – Development Services Office Team Leader  
Melanie Wright – Communications Officer

## **39. Apologies and substitutions**

No Apologies for absence were received.

#### **40. Declarations of interest**

No declarations of interest were made.

#### **41. Minutes**

The Committee received the Minutes of the meeting held on 4<sup>th</sup> October 2023.

It was resolved unanimously:

That the Minutes of the Planning Committee meeting held on 4<sup>th</sup> October 2023 be confirmed as a correct record and be signed by the Chairman.

#### **42. Chairman's announcements**

The Chairman made the following announcements:

- Members were requested to note that there was an additional Planning Committee scheduled for 15<sup>th</sup> November.

#### **43. 22/00420/RMM - Phase 1 Millstone Park Land Adjacent to Melton Farm Newmarket Road Burwell**

Dan Smith, Planning Team Leader, presented a report (Y73, previously circulated) recommending granting delegated powers to the Planning Manager to approve the application, once the drainage condition on the outline permission has been discharged, subject to conditions, for an application for reserved matters for 138 dwellings, internal roads, parking, open space, landscaping, associated drainage and ancillary infrastructure.

Members were updated with two minor amendments for this item and the following related item:

- The reference to the NPPF was dated 2019 and should be 2023.
- Since the reports were drafted, the Council had adopted small changes to the Local Plan which meant that this should now be referred to as the East Cambridgeshire Local Plan 2015 (as amended 2023)

Neither of these updates would have any material bearing on the recommendations.

The Planning Team Leader informed Members that the update sheet showed concern in respect of the location of the affordable homes from a resident that had been received after publication. In response to this, the Council's housing team supported the location of the homes, and the Planning Team Leader did not agree with the criticism of the location of the affordable housing. A further objection had been received since the publication of the update sheet, on behalf of the British Horse Society, which focussed on the lack of bridleway provision and connection to public rights of way within the scheme; the Planning Team Leader expressed the view that were this to be considered, it would have to be done at the outline stage.

The Planning Team Leader reminded Members that both this report and the next were drafted as update reports to those that were presented at the August Planning Committee meeting, where the application had been deferred for further work to be carried out on specific issues; the presentation therefore would focus on the changes that had been made since the August planning meeting.

Members were shown slides of the location, site, and proposed development plan.

At the August planning meeting, Members had expressed concern and deferred the application to allow the applicant the opportunity to address the following specific issues: overdevelopment, lack of sufficient 1-bed and 2-bed houses, lack of sufficient green space and visitor parking (raised as an issue during debate but was not detailed in the resolution).

The applicant had provided a revised scheme which sought to address the issues, these included:

- 5 dwellings removed from the scheme – 138 total
- Reduction in 4+ bedroom market houses (51 to 34)
- Increase in 2-bedroom market houses (2 to 15)
- Increase in size of central open space
- Increase in visitor parking spaces (26 total)

To address the overdevelopment, the applicant has used more smaller properties, this had created a more spacious layout and more space for landscaping. The applicant had also submitted an Indicative Site-Wide Masterplan, which showed how Phase 3 could be brought forward, this allayed Officers' concern regarding the balance of development. The previous market mix had been heavy towards 4+ bedroom dwellings but a good proportion of the larger dwellings had now been substituted for 2-bedroom houses resulting in percentages more in line with SHMA (Strategic Housing Market Assessment). Visitor car parking spaces had been increased by 8 and on-plot parking exceeded 2 spaces per dwelling, resulting in a total car park provision of 353 spaces for 138 homes.

The Planning Team Leader confirmed that Officers now fully supported the revised scheme as all the issues had been addressed.

On the invitation of the Chairman, Rebecca Smith, Senior Planner at Vistry Homes, addressed the committee:

“Following August Planning Committee, we obviously had to reflect on what was debated, we have worked with Officers to agree some considerable changes to our proposals and to address the concerns raised by Members of this Committee. We have significantly amended the market housing mix, in terms of the amount of 2-beds and fewer 4+beds homes. Overall, the scheme, for Phase 1, comprises 73% 1-bed to 3-bed homes along with maintaining a high level of affordable housing. We have incorporated further open space and landscaping to enhance the green infrastructure within the scheme, which compliments the wider infrastructure. Through our work, pulling together the illustrative

masterplan, hopefully we have mitigated any residual concerns on how the wider site can be brought forward under the existing planning permission. I am happy now that Officers agree we have a high-quality scheme, we at Vistry are very keen to get building on site, we have been delayed and we want to deliver these new homes for people next year. I hope Members can concur and support the officers' recommendation for approval."

Cllr Akinwale asked if the issues raised at the August Planning Committee meeting regarding wet rooms for the larger properties had been addressed. Rebecca Smith explained Vistry was led by their Registered Social Housing Provider in terms of internal specifications, which may include wet rooms in the ground floor maisonettes; there were also a couple of bungalows introduced into Phase 2 which were N43 Building Regs compliant (wheelchair adaptable with wet rooms as standard). Cllr Akinwale also asked where the play areas would be situated on Phases 1 and 2a. Rebecca Smith explained that in the bottom southeast corner was an entrance village green that already had reserved matters approval which would include a natural play area (three pieces of logs/boulders) and in the northwest, a main play area with an integrated local equipped area of play (LEAP) that would have at least five pieces of equipment; there would also be three additional open space areas for recreational and leisure purposes. Vistry had worked with their suppliers to ensure that the play equipment was accessible to children with disabilities and secured a roundabout, swing, and other equipment. Rebecca Smith confirmed that the visitor parking spaces would not be equipped with charging points, but all new homes would have charging points.

Cllr Edwards enquired if Vistry had a date to commence work if they received approval. Rebecca Smith explained that Vistry had been prepared to start work on the site for the past year, therefore, as soon as possible in the New Year, as Vistry had forecasted completions for next year.

In response to a question from Cllr Holtzmann, Rebecca Smith explained that the Section 106 Legal Agreement dictated when the play spaces should be built; and this was tied to each Phase, for Phase 1, this would be by 80% occupation.

Councillor Lay enquired as to what form of heating would be installed in the properties. Rebecca Smith explained that currently, it would be gas boilers (but with pipes large enough to accommodate the transition from gas boiler to air source heat pumps) and they would be supplemented with PV solar panels. Vistry were currently working with the registered provider for the affordable housing to see if there would be any capacity in the wider network to install air source heat pumps any earlier.

Cllr Brown thanked Rebecca Smith and Vistry Homes for the positive way in which they had engaged with the Council since the August meeting.

The Planning Team Leader responded to a question from Cllr Wilson stating that the visitor parking spaces were dotted around the development, with an over-provision of driveway parking. Cllr Trapp asked if a condition could be placed on when the play areas were constructed. The Planning Team Leader commented

that the timing for delivery of infrastructure, which included the play space, was dictated by the S106 Agreement which was based upon the number of completions.

Cllr Brown commented that the revised application was a welcome improvement on the previous application and thanked committee members for raising their concerns at the August meeting. Officers had worked well with Vistry and the reduction of 4+bed dwellings and increase in 2-bed and 3-bed dwellings was welcomed. Cllr Brown stated that Burwell Council had thanked East Cambridgeshire District Council and Vistry for their engagement and revised scheme and proposed the Officer's recommendation for approval of the application.

Cllr Wilson agreed the application was an improvement and seconded Cllr Brown's proposal.

Cllr Goodearl also agreed this was an improved application and was pleased the committee's concerns had been listened to.

Cllr Trapp stated that the reduction was not significant and was there likely to be more green space on the rest of the development. The Planning Team Leader explained that the outline permission dictated where the phases were located, and the Council was happy with this; there was a large easement on the eastern side which could not be developed and a large area of sports pitches in the southeast quadrant, with structural landscaping around the north and eastern boundaries. The proposed density was very similar to what was already found locally and what was expected for a village edge development, therefore officers were content with the application.

It was resolved (with 9 votes in favour, 0 votes against and 2 abstentions):

- i) That the planning application ref 22/00420/RMM be APPROVED subject to the drainage condition on the outline permission being discharged and conditions as detailed in Appendix 1 of the Officer's report, with authority delegated to the Planning Manager to issue the planning permission.

#### **44. 22/00479/RMM - Phase 2A Millstone Park Land Adjacent to Melton Farm Newmarket Road Burwell**

Dan Smith, Planning Team Leader, presented a report (Y74, previously circulated) recommending granting delegated powers to the Planning Manager to approve the application once the drainage condition on the outline permission has been discharged, subject to conditions for reserved matters for 133 dwellings, parking, internal roads, open space, landscaping, sustainable urban drainage, and ancillary infrastructure.

Members were shown slides of the location, site, and proposed development plan.

At the August Planning Committee Meeting, Members expressed concern and deferred the application to allow the applicant the opportunity to address specific issues: overdevelopment, a poor housing mix, poor quality layout, lack of sufficient green space/landscaping and parking provision.

The applicant had provided a revised scheme which sought to address the issues:

- 5 dwellings removed from the scheme – 133 total
- Reduction in 4+ bedroom market houses (49 to 28)
- Increase in 2-bedroom market houses (7 to 12)
- Increase in 3-bedroom market houses (27 to 40)
- Replanning of densest areas of site
- Increase in widths of verges and more tree planting
- Increase in visitor parking spaces (26 total)

The applicant had used more smaller properties to address the overdevelopment which had allowed for the replanning of denser areas. Officers were content that the Indicative Site-Wide Masterplan had addressed the balance of development on site. More street trees have been added and smaller dwellings had allowed for dwellings to be set further back from the street. The previous market mix had been heavy towards 4+ bedroom dwellings but a good proportion of the larger dwellings had now been substituted for 2-bedroom and 3-bedroom houses resulting in percentages more in line with SHMA. Visitor car parking spaces had been increased by 6 and on-plot parking now exceeded 2 spaces per dwelling, totalling a car park provision of 377 spaces for 133 homes.

The Planning Team Leader confirmed that Officers would now fully support the revised scheme as all the issues had been addressed.

On the invitation of the Chairman, Rebecca Smith, Senior Planner at Vistry Homes, addressed the committee.

“Vistry have taken on board the comments and concerns raised by the committee members in regard to Phase 2a, there are significant amendments to the market housing mix, the introduction of more green infrastructure/landscaping on site, more visitor car parking and we can agree it is a high-quality design.”

Cllr Akinwale enquired if there would be another play area in this Phase. Rebecca Smith explained the main play area would be situated in the north and already had reserved matters approval for junior and toddler play (trim trail). There would also be a woodland walk and open linear space that connected the two play areas together.

Cllr Trapp asked if the affordable housing would be mixed in with the general housing. Rebecca Smith explained that affordable housing was always clustered together; this was due to being managed by a registered provider but in terms of design, they would be indistinguishable from any of the market housing.

Cllr Holtzman asked if there was a reason the Elmsley type homes had changed internally between the two Phases. Rebecca Smith stated this had been replaced with the Asher house type (3 bed, 5-person affordable house) instead on Phase 2a.

In response to a question asked by Cllr Wilson, the Planning Team Leader explained that the play areas benefited from existing reserved matters which were already approved and permitted as part of the infrastructure of the application; these were set out early on in the process and reflected the development masterplan which had been approved at the outline stage.

Cllr Trapp asked if there would be further phases coming forward. The Planning Team Leader explained there would be no more housing, other than Phase 3, to come forward.

Cllr Ambrose-Smith asked who would control the upkeep of the play areas and would they be available to the wider community. The Planning Team Leader responded stating that it was envisaged that the play areas would be for the wider community. The S106 Agreement included a cascade approach to the ongoing maintenance of the open spaces/play spaces; this required it being offered first to the District Council, then the Parish Council and if neither wished to take the maintenance on, it would be vested in a management company. The S106 would also include a provision for contributions with regard to the future management and maintenance of the areas, if not vested within a management company.

Cllr Holtzmann asked if there was a pedestrian crossing planned for the north of the site. The Planning Team Leader commented that this was not planned but the road in question did not continue through for vehicle access and therefore the level of vehicle movements would be very limited.

Cllr Trapp commented that the widening of corners on the streets may increase the speed of vehicles. The Planning Team Leader stated that the radii of the corners had not changed, instead the houses were now set further back which enabled more landscaping. The designed speeds on the Phase were 20mph, therefore this was not a concern.

The Chair commented this was a positive application and showed what progress could be made if the applicants worked with Council Officers.

Cllr Edwards echoed the Chair's comments and proposed the Officer's recommendation for approval of the application. Cllr Akinwale seconded Cllr Edwards' proposal.

Cllr Lay agreed both sides had worked well together, and he supported the application.

Cllr Brown added there were currently three formal playgrounds in the village, one recently refurbished and easily accessible from this site and he fully supported the application.

Cllr Trapp added that the housing mix of 40% affordable housing would be beneficial to the district.

It was resolved unanimously:

- i) That the planning application ref 22/00479/RMM be APPROVED subject to the drainage condition on the outline permission being discharged and conditions detailed in Appendix 1 of the Officer's report, with authority delegated to the Planning Manager to issue the planning permission.

*3:11pm to 3:20pm The meeting was adjourned for a short break.*

#### **45. 23/00146/RMM - Broad Piece Soham Cambridgeshire**

The Chairman explained that Committee Members had received a late submission of evidential photographs from an Objector; these were circulated during the break.

The Chairman reiterated that, in accordance with procedure, for all future Planning Committees, any statements/pictures must be received at least 48 hours ahead of the Committee meeting otherwise they would not be accepted.

Catherine Looper, Planning Team Leader, presented a report (Y75, previously circulated) recommending approval of an application, subject to conditions seeking, residential development for 166 dwellings and identification of 9 self-build plots, open space, and associated infrastructure for previously approved proposed erection of up to 175 dwelling and associated infrastructure with access from Broad Piece.

Members were shown slides of the location, site, and proposed development plan. The Planning Team Leader explained that outline consent was granted under an appeal decision in January 2022 and the outline consent secured the detail of access.

The main considerations for the application were deemed to be:

- **Principle of development** – the site was situated outside the defined development envelope; the principle of development was already established at appeal. The Reserved Matters application was made within the conditioned timescale and therefore the principle of development was considered acceptable.
- **Affordable Housing and Self Build** – The application proposed 30% affordable housing and 5% self-build properties which were secured by a S106 Legal Agreement on the outline planning permission. The Council's Housing Strategy and Enabling Officer confirmed they supported the application. The applicant confirmed that 5.6 hectares of open space would be provided and a locally equipped area of play with six pieces of play equipment.
- **Residential amenity** – The Outline application acknowledged that existing occupiers in the area were likely to experience an increase in

noise and disturbance from the development, including traffic movement. However, this was not considered significant such that permission should be refused. The proposed site layout provided significant separation between existing properties and proposed dwellings, with areas of open space. The proposal was not considered to create any overbearing, overlooking or overshadowing impacts to neighbouring properties. The Appeal Decision conditioned matters such as construction times and construction method statements. There were no objections from the Environmental Health or the Environmental Agency relating to odour from the Soham Water Recycling Centre; they advised that the applicant had taken into consideration the odour buffer zone and had ensured that the amenity of future residents had been considered adequately. The Applicant had also submitted a Noise Impact Assessment, which was reviewed by Environmental Health who advised that a limited number of properties to the northeast may, with open windows, intermittently experience noise levels of +3 dB over the relaxed target for living rooms and +4dB over the relaxed target for bedrooms (night) from the potato store. Given the constraints considered at outline stage and the subsequent permission granted by the Planning Inspectorate, it was considered that alternative ventilation methods for instances or marginal intermittent noise was acceptable in this instance, for a limited number of dwellings. It was considered that the amenity of future occupiers could be adequately protected through the installation of mechanical ventilation for instances where this may be preferable, and these details could be secured by condition.

- **Visual Impact** – The scheme had four main character areas with the majority of the development being two storeys in scale. Open space was landscaped with woodland elements to the site edges to soften the visibility of the built environment. The entrance was curved to soften the approach with developments set back. The design of dwellings provided variation with materials being secured by conditions and dwellings were positioned in order to naturally survey open spaces and turn corners to prevent blank elevations being present. Street scenes were not dominated by hard boundary treatments, and it was not considered to harm local visual amenity. The proposed development was therefore considered to comply with planning policy.
- **Highway Matters** – The site access and the road widening works have already been secured under the appeal decision. Within the site, dwellings generally had two car parking spaces each and some plots benefited from garages in addition to two parking spaces. Where one-bedroom properties were proposed, these had one associated parking space. Aside from plots 5 to 9 and 10 to 14, all dwellings would be provided with electric vehicle charging points. 42 visitor parking spaces were proposed, and the Local Highways Authority have raised no objections.
- **Flood risk and drainage** – As part of the appeal decision it was conditioned that schemes for foul and surface water drainage would be secured by condition. The applicant had submitted information alongside the application as well as by discharge of condition as per the appeal decision. The Lead Local Flood Authority advised that they had no objections, Anglian Water advised that the foul water from this drainage

was in the catchment of the Soham Water Recycling Centre and that it would have available capacity, they advised that the submitted layout plan was acceptable and accorded with the condition for the Soham Water Recycling Centre and that the impacts on the public foul sewage network were acceptable. The Environment Agency advised that they had no objections to the scheme, the IDB were consulted and noted that the details for the bunds and embankments to serve the attenuation ponds required further information regarding construction material and during the discussion over the details required, they confirmed the details could be secured by conditions. Based on the information provided and the lack of objection from consultees it was considered that Flood Risk and Drainage could be adequately dealt with in accordance with Policy ENV 8 of the Local Plan.

- **Ecology** – The applicant had submitted a Landscape and Ecology Management Plan which set out a number of habitat creation proposals and conservation objectives, as well as setting out a management period of 30 years. Natural England raised no objections, and the proposal had been reviewed by the Wildlife Trust who noted that the Ecological reports and biodiversity net gains assessment provided with the original application had been updated. They advised that the proposal still accorded with East Cambs and nationally adopted planning policy for biodiversity. They raised no objection to the scheme.
- **Sustainability** – The applicant had submitted a Sustainability statement which set out a range of measures from sustainable procurement and waste management to water efficiency and heating design. The report set out that the site's forecasted emission rate would netter Part L 2013 by 31% and would exceed the requirements of ENV4 of the adopted Local Plan. The report also set out that photovoltaic arrays would be used. The positioning of the arrays could be secured by condition.

In summary, the proposal was considered to be in accordance with the outline permission for the site and had been assessed against both the local and national policies and were not considered to create a significantly detrimental impact in terms of visual amenity, residential amenity, highway safety, drainage, and flood risk. The benefits of the development were considered to outweigh the limited impacts identified and the proposal was considered to comply with policies within the Local Plan and the NPPF. The application was therefore considered for approval subject to the conditions set out within the report.

On the invitation of the Chairman, an Objector, Mike Rose, addressed the committee, after circulating photos of flooded properties in Broad Piece to the committee and the applicant:

“Good afternoon, Chair, my name is Mike Rose, I am a retired scientist, I live at Broad Piece, adjacent to the site. I also represent a number of Broad Piece residents. I apologise for the late submission of the photos and thank you for admitting them to the meeting. I am here today to discuss the applicant's proposal regarding flooding of properties on Broad Piece and you have seen some photos that I have circulated. We suffered yet again from flooding a couple of weeks ago, the topography of the site is such that there is a watershed

running across its centre from northwest to southeast one metre higher than the site boundaries (where the site meets Broad Piece at the south). The southwest corner is particularly low where it backs on to Broad Piece Gardens, the soil structure of the site is topsoil with a clay substrate, meaning once waterlogged, the site is very slow to drain. The Applicant proposes to drain the north side to the north into the Cofton Drain but not to drain the south side. Throughout the planning process the Applicant has been reluctant to take any measures at all to mitigate the flooding of existing residents' properties on Broad Piece. Under pressure, it has suggested the measures that you have before you today, which is a bund and a shallow depression to retire overland flow, while these measures will indeed retire the flow, they will not solve the problem of waterlogged land and will leave residents with a stagnant smelly swamp. We have asked for pipes and drainage to be installed to take water away down to an existing culvert, this was recommended by the LLFA. A document dated 5 June 2023 contains the LLFA recommendation and the applicant's reply. The LLFA has recommended draining of the site, the applicant has refused to provide positive drainage stating there is no publicly accessible watercourse, there is a watercourse present, and we do not control the watercourse. We would suggest that the applicant could, if it wished, negotiate for access to that piece of land. The landowners have applied recently to register the piece of land, referred to as "the track", but that has not yet appeared on the Land Registry site. The applicant then contradicts the above by stating that it will direct any residual overland flow around the bunds to the existing ditch and track which does exist, in a document dated 14 June 2023. The Internal Drainage Board stated on 27 January 2020, the Board is still concerned over the flooding that occurs to the properties in Broad Piece from this land. This proposal must address this issue and intercept water captured on site, so it drains away from the affected properties. Failure to address this problem now would be a missed opportunity. The Planning Inspector stated that a suitable drainage scheme can be achieved, and the subsequent detail can be secured by planning conditions. I have not found anywhere, any calculations that refer to the current measures that we consider to be unsuitable for the shallow depression and bund. Without positive drainage, the scheme proposed does not give adequate protection to residents and we respectfully request that it is not approved. We would also ask whether a condition could be added that any drainage measures that are carried out on this site be completed before any other excavations are commenced on the site. Thank you."

Cllr Trapp asked from what location the photographs had been taken, to which Mike Rose stated they had been taken from the west side of the site.

On the invitation of the Chairman, Anne Dew from Persimmon Homes, spoke in support of the application, addressed the committee:  
"The site benefits from outline consent for 175 dwellings, including 9 self-build plots and 53 affordable dwellings. The outline consent approves vehicle access from Broad Piece alongside drainage principles and this reserved matters application accords with this detail. We have been working with the case officer on this application for the last 18 months with extensive discussions taking place regarding the design code that has informed the design of this layout. The scheme provides for an extensive area of open space, which is well in excess of the standards required by the Local Plan. Substantial areas of tree planting and

soft landscaping will be provided as part of the development, and this is particularly to the southern boundary and the properties on Broad Piece. These areas, alongside generous separation distances, minimise any impact on residential amenity of residents on Broad Piece. The development will be subject to CIL, with S106 contributions primarily towards early years, primary and secondary education and Highway improvements, libraries, and Soham Common land all of which are secured under the outline planning permission. All technical consultees have confirmed, subject to conditions, their support for the application, as detailed in the report. Obviously, concern has been raised about drainage and flood risk and I'll pass to Rob Hill, the Drainage expert to talk through these matters."

Rob Hill, Director of Infrastructure and Design and Civil Engineer, responsible for the drainage scheme within the site stated, "As mentioned, there is an existing issue with flooding from the field into the properties at Broad Piece and as well as representations from locals through the planning process, this was brought up as an informative from the LLFA and the IDB. As a brief description of the works our client intends to undertake as part of the scheme, I would like to highlight the following items as measures which will help to reduce the existing flood risk to neighbouring properties. Of the field currently draining southwards, all the housing drains to the north now, so approximately 55% of the development that drains south will now be draining to the north. The only thing left is the open space and we are looking at providing a hollow to take in any surface water off the open space (not from the development, that will all drain positively) and that we will also put in a bund across the southwestern boundary to further protect the properties from any overland flow. The open space will also be planted and landscaped with trees and various grasses/meadows to off help with taking in the nutrients from the water. At the moment this is a ploughed field with little or no growth at all which will make things worse on overland flow. All of these works are within land within control of our client and therefore can be delivered without issue. In planning terms, the scheme ensures there is no increase in flood risk to adjoining properties from the development and in fact, will reduce the current risk, in purely the catchment area alone, by over 50% and introduces further measures to control the pathways of any exceedance flow passing through the area which has already been identified as a discourse."

The Chair asked if it were assumed that the bottom half of the development would drain off to the north and the risk of flooding would be reduced. Rob Hill, Drainage Consultant – Persimmon Homes, commented that apart from the site entrance, it would all positively drain to the north and was now designed to take a 100-year storm event plus 40% for climate change and a further 6% for urban creep, all in line with LLFA requirements. The only part that could not be positively drained was the open space which was north to the Broad Piece gardens, and it was here that major earthworks had taken place to attempt to stem any overland flow from the open space.

Rob Hill explained to Cllr Trapp that the open space, north of the bund, would be reprofiled to enable it to drain backwards, therefore the overland flow should not reach the bund. The flood risk was an existing flood risk from overland flow and the client was not increasing this risk, the flooding could not be stopped, just mitigated away from residents' properties. Ben Purdy, technical expert, added

that the water would be held within the development and dissipated through infiltration which should overcome the existing issues that the residents were facing.

In answer to several questions from Cllr Akinwale, Rob Hill explained that the concerns regarding the cohesiveness of the materials, from the Ely Group of Internal Drainage Boards had been addressed within the detailed design of the scheme. Anne Dew stated that there were no bungalows included within the development and all the houses had been designed to include accessibility. The play area was in an accessible location but not all of the equipment would be suitable for those with disabilities, but they would be happy to change this mix to ensure the play area was more accessible for children with disabilities.

Cllr Lay enquired if any safety features had been considered around the ponding area. Rob Hill explained that the ponding area had very shallow banks and would not be a fall hazard.

In response to questions from Cllr Holtzmann, Rob Hill explained that they had tried to stop overland flow from going north to south straight into Broad Piece, and instead, capture it, and slow it down with the depression and bund. The trees planted in the bund area would be high water demand trees to take water out of the soil to help reduce the impact of the flooding onto Broad Piece. Cllr Holtzman seconded Cllr Lay's concerns about safety around the ponding area and asked if it would be possible to provide hedging or fencing to this; to which Ben Purdy confirmed this could be included. Ben Purdy also confirmed that the majority of dwellings would be installed with air sourced heat pumps but the first few would be installed with gas heating but would include infrastructure to be able the transfer to air sourced heat when required.

The Chairman invited Anne Pallett, a representative from Soham Town Council, to address the Committee with the comments from the Soham Town Council Planning Committee:

“STC reiterates all previous comments and continues to raise concerns regarding drainage and flooding to residents' properties on Broad Piece, this has still not been rectified. Noted a bund has been placed at the Broad Piece end of the site but not all the way along the boundary. East Cambs District Council need to ensure that a responsible body takes over the maintenance & repairs of the drainage system once the development is completed otherwise it will silt up and not work efficiently, this will cause flooding to the low-lying properties on Broad Piece. Unprecedented rainfall 27 October 2023 (54mm over three days, followed by four dry days, followed by 24 hours of 46mm, at which time flooding occurred) has exacerbated the flooding issues the residents on Broad Piece have.”

The Senior Democratic Services Officer read a statement received from a Soham District Councillor, Cllr Horgan:

“Please accept my apologies for not attending today's planning meeting in person to raise the matters highlighted by the Middle Fen & Mere Internal Drainage Board (IDB). A hospital appointment for my mother requires I take her there.

I would ask the Planning Committee to pay particular attention to the matters raised by the IDB in respect of the development 23/00146/RMM - Broad Piece, Soham Cambridgeshire.

As experts in the matters of drainage they raise particular concerns as to certain aspects of Persimmon's plans, specifically the construction and continuation of the bund designed to provide a degree of flood risk protection. As the IDB are the experts in this matter I will do no more than repeat the text they have submitted when commenting on the proposals by Persimmon.

The Ely Group of Internal Drainage Board - 17 October 2023 Following the previous comments made in our letter dated 9th October to the LPA, the drawings attached to the email received from the LPA of 10th October have had material type 2B or 7A of Table 6/1 of the Department of Transport Specification for Highway Works added to the note relating to the construction of the bund. The note also continues to state that fill shall have between 20% and 30% clay content. The Board previously commenting that fill with this clay does not meet the requirement that the material should be predominantly cohesive. Therefore, it remains that the note, specification, is considered unacceptable. 1. The use of material with a 20% to 30% clay content is not predominantly cohesive. 2. Type 2B and 7A material only has a requirement for 15-100% by mass to pass the 63-micron sieve. It has no requirement for material to pass the 2-micron sieve. Clay has a particle size of less than 2 micron. Therefore, it follows from the above the material should have a requirement that is predominantly passes the 2-micron sieve. As a result of the above it is suggested the specification as contained within the note contradicts itself and remains unacceptable in any event.

Condition 18 Prior to commencement, the specification for the construction of the bunds/embankments to serve the attenuation ponds shall be submitted to, and approved in writing by, the Local Planning Authority. The bunds/embankments shall be carried out in strict accordance with the approved specification, prior to occupation of any dwelling. 18 Reason: To prevent flooding by ensuring the satisfactory storage/disposal of water from the site, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015

I will leave it to our planning team to decide how best to get necessary improvements to the construction and specification for the bund from Persimmon but ask that the Planning Committee make the necessary recommendations to planning officers to do this please."

The Planning Team Leader clarified that IDB's comments related only to the use of material and confirmed that during discussions with the IDB, it had been agreed that the specification for the construction of the bunds/embankments to service the attenuation ponds were to be secured by way of condition. The IDB did not form an objection regarding the principle of drainage. Extensive consultation had been undertaken with the Lead Local Flood Authority, the IDB, Anglian Water and the Environment Agency and there had been no objections from any of the statutory consultees. Regarding the comments made by Soham Town Council and the maintenance of open spaces and drainage measures, the S106 associated with the original outline application secured a cascade method for who would be responsible for taking this on, firstly East Cambs District Council, secondly whether the applicant wished to maintain the SuDS land and

appoint a management company and thirdly to transfer the SuDS to another SuDS management company. These details would remain in perpetuity.

Cllr Goodearl reminded Members that although a lot of the discussion had focussed on flooding, the client's mitigations would reduce the flooding by 55%. Cllr Goodearl proposed the Officer's recommendation for approval of the application. Cllr Brown seconded Cllr Goodearl's proposal.

Cllr Lay commented that a higher percentage of rented units within the affordable housing allocation, as seen on this application, would be beneficial to the district.

The Chairman agreed that the flooding risk would be improved, the LLFA had no objections and added that the development benefited from a substantial amount of car parking and open space and would also comply with the extra 10% biodiversity.

Cllr Akinwale proposed an additional condition, to ensure that the play areas would be accessible to children and teenagers with disabilities and SEND needs. It was agreed that this should be delegated to Planning officers to produce an appropriately worded condition.

It was resolved with 9 votes in favour, 0 votes against and 2 abstentions:

- i) That planning application ref 23/00146/RMM be APPROVED subject to the conditions detailed in Appendix 1 of the Officer's report with authority delegated to the Planning Manager to produce conditions regarding the play area being accessible to children and teenagers with disabilities and SEND needs and safety edging/hedging around the attenuation basin.

#### **46. 23/00819/FUL - Homefield Westley Waterless Newmarket Suffolk CB8 0RG**

Cassy Paterson, Planning Officer, presented a report (Y76, previously circulated) recommending approval, subject to conditions of an application seeking change of use of land from agricultural to residential garden and installation of a summerhouse, associated works and infrastructure.

Members were shown slides of the site showing the extent of the application proposal.

The main considerations for the application were deemed to be:

- **Principle of development** – Policy GROWTH 2 states that outside the defined development envelopes, development would be strictly controlled, having regard to the need to protect the countryside and the settings of towns and villages. Development will be restricted to the main categories listed in the policy and may be permitted as an exception, providing there was no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied. The proposal seeks the change of use of agricultural land to garden land and the installation of a

summerhouse which was not an exception listed in Policy GROWTH 2. As it was not listed as an exception the proposal was therefore contrary to GROWTH 2. However, paragraph 47 of NPPF states “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”. This reflected the requirements of the Planning and Compulsory Purchase Act.

- **Visual amenity** – The application would have minimal impact upon the public realm due to its position at the rear of the host dwelling and its landlocked nature. The Summerhouse would not be out of character in terms of materials and design and would therefore have no considerable impact upon the visual amenity. The site is currently laid to lawn and there is no physical boundary between the residential curtilage and the proposal site, therefore giving a domesticated presence in its current form. The addition of the summerhouse would not significantly alter the character and appearance of the countryside and would have minimal impact upon the existing habitats within the site due to the retention of the hedging and trees. It was considered that the proposal would not result in a significant adverse impact on the character and appearance of the area, nor result in significant harm to the countryside and was therefore considered to comply with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan, 2015.
- **Residential amenity** – It was considered that the proposal would not result in any adverse impact to residential amenity and would retain existing habitats. The proposal was considered to comply with the policies relevant to these considerations.

Whilst the proposal did not accord with Policy GROWTH 2 as it did not fall within one of the exemptions for development in the countryside, it would not cause any harm to the character of the countryside which was a key aim of Policy Growth 2. The application was therefore recommended for approval.

The Chairman invited Edward Clarke from Cheffins, to address the Committee:

“I would like to take this opportunity to thank the case officer for the useful dialogue prior to and during the application process and well-reasoned and justified committee report and express my full support of the officer’s recommendation of approval. Land subject to this application forms part of the wider site known as Homefield, which was purchased by the applicant in 2022, on the understanding that the land in question was garden land, ancillary to the host dwelling and this was reflected in the sales particulars which accompany this application. Furthermore, an assessment of historic aerial photos, available on google earth, confirm that the land has been used solely for garden land, ancillary to the host dwelling in excess of ten years without any detrimental harm to the character of the area and the landscape. As you will have seen during your site visit this morning, the land is open to and connects with the existing residential curtilage of the host dwelling and the site as a whole reads as one, with the equestrian paddocks to the north providing separation between the residential curtilage and the countryside. It should be noted that the rear boundary is aligned with the rear garden boundaries of the neighbouring

dwellings and therefore not at odds with the natural divide between residential and the countryside. The proposal does not require the removal of any trees or hedges but in fact, should planning permission be granted, the applicant will continue to maintain and plant the garden thereby continuing to increase the biodiversity of the site. This application also seeks the installation of a modern summerhouse which the case officer has confirmed, would not be considered to cause harm through overshadowing, overbearing or loss of privacy through overlooking and to conclude the application has not received any objections or comments of concern and the site's sustainability will remain unchanged. This application simply seeks to regularise the historic use and install a modest summerhouse which would typically be allowed under permitted development rights. I reiterate my full support for the officer's recommendation of approval and trust the information will assist you in your debate."

Edward Clarke confirmed that the summer house would not have any water or electricity services.

Cllr Akinwale proposed the Officer's recommendation for approval of the application. Cllr Ambrose-Smith seconded Cllr Akinwale's proposal.

Cllr Brown stated he would be abstaining from the vote as he had been unable to attend the site visit earlier in the day.

It was resolved with 9 votes in favour, 0 votes against and 2 abstentions:

- i) That planning application ref 23/00819/FUL be APPROVED subject to the conditions detailed in Appendix 1 of the Officer's report.

#### **47. 23/00830/FUL - Pump House Factory Road Burwell Cambridge CB25 0BW**

Cassy Paterson, Planning Officer, presented a report (Y77, previously circulated) recommending approval, subject to the signing of the S106 Legal Agreement and conditions with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission, for an application seeking consent to change the use of land to garden land and the construction of a cart lodge.

Members were shown slides of the site showing the extent of the application proposal. The Planning Officer explained that the pump house and cart lodge were originally granted approval in 2021.

The main considerations for the application were deemed to be:

- **Principle of development** – Policy GROWTH 2 states that outside the defined development envelopes, development would be strictly controlled, having regard to the need to protect the countryside and the settings of towns and villages. Development will be restricted to the main categories listed in the policy and may be permitted as an exception, providing there was no significant adverse impact on the character of the countryside and

that other Local Plan policies are satisfied. The proposal seeks the change of use of agricultural land to garden land and the repositioning of a cart lodge which was not an exception listed in Policy GROWTH 2. As it was not listed as an exception the proposal was therefore contrary to GROWTH 2. However, paragraph 47 of NPPF states “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”. This reflected the requirements of the Planning and Compulsory Purchase Act.

- **Visual amenity** – The proposed change of use and repositioning of the cart lodge would have a minimal visual impact from the public realm. Due to the vast amount of biodiversity enhancement within the site and back drop of the McGowan & Rutherford factory providing an industrial screening, it would not be considered that the relocation of the cart lodge and the minor encroachment this development had on the countryside would cause significant harm in terms of visual amenity. It was considered that the proposal would not result in a significant adverse impact on the character and appearance of the area, nor result in significant harm to the countryside and was therefore considered to comply with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan, 2015.
- **Residential amenity** – It was considered that the proposal would not result in any adverse impacts to the residential amenity, would provide a biodiversity net gain and was acceptable in respect of flood risk. The proposal was considered to comply with the policies relevant to the conditions. The applicant had also agreed to enter into a S106.

Whilst the proposed development did not accord with Policy GROWTH 2 as it did not fall within one of the exemptions for development in the countryside, it would not cause any harm to the character of the countryside, which was a key aim of Policy GROWTH 2. The proposal was considered to be acceptable in all other aspects including impacts of the proposal upon the character and appearance of the surrounding area, impacts to the amenity of neighbouring occupiers and it results in an enhancement to biodiversity and complied with all relevant Local Plan policies regarding the considerations. It was therefore considered that no demonstrable harm would arise from the proposed development. The lack of any demonstrable harm to the character of the countryside, the lack of any other detailed harm and the minor encroachment to the countryside this proposal would be considered acceptable as a departure from the Local Plan in respect of the strict application of Policy GROWTH 2. The application was therefore recommended for approval.

The Chairman invited Phil Mead, the applicant, to address the Committee:

“The Planning Officer has done a great job, demonstrating from a policy point of view and why Members should support the application. From a personal point of view and to explain why a new application had been submitted to move it not very far. When we bought the property, we did our due diligence and found out where there was a high voltage sub-station on the site into the factory next door, so we knew where all the cables were but as it transpired, later through the project, there was an older cable that was not on the original drawings and maps

therefore where we located it in our first set of plans, if we put it there, we would have effectively had to have the floor taken up if there was ever a fault in the power cable. Also, when we originally bought the property, we had thought it was an old industrial building therefore we positioned the oak framed building in front of it, to soften the visual impact but the further work we carried out, the nicer the property looked, and we receive a lot of positive comments therefore it would be disappointing to hide it. From a personal point of view, the application was through a Class Q application so in terms of residential amenity space on the site it was very tight to the property, the cart lodge was the only place to store bikes and mowers. My wife is looking to start a flower farm and therefore somewhere to safely store mowers and equipment is important and for us to be able to thrive on the site. We have also put a lot of effort into planting a lot of mature trees, with a plan to plant about 200 on site.”

In response to a question by Cllr Trapp as to where the access to the upstairs gym would be located, Mr Mead explained this would be from the outside.

The Chair asked for clarification that the building would be linked to the main house to which the Planning Officer confirmed this would be secured by a S106 Agreement.

Cllr Brown proposed the Officer’s recommendation for approval of the application. Cllr Edwards seconded Cllr Brown’s proposal.

It was resolved unanimously:

- i) That planning application ref 23/00830/FUL be APPROVED, subject to the signing of the S106 Legal Agreement, with authority delegated to the Planning Manager and Director Legal to complete the S106 and to issue the planning permission and subject to the conditions detailed in Appendix 1 of the Officer’s report as amended by the Planning Committee update sheet.

#### **48. Planning performance reports – September 2023**

Simon Ellis, Planning Manager, presented a report (Y78), (previously circulated) summarising the performance of the Planning Department in September 2023.

The Planning Manager confirmed the following points:

- Planning had met both the corporate and government targets.
- The low level of applications reflected the reduction of activity within the economy.
- The monitoring report showed 700 homes had been built in East Cambridgeshire in the last year via application.
- There was a 2,300 backlog of homes that were undetermined by Planning Services.
- The Committee had granted permission for 438 homes combined at today’s Planning Committee which showed that the Committee’s work was contributing to the maintenance of the five-year land supply, including

achieving the extra quality (that did not show up within statistics) within the Burwell development.

The Chair asked if Planning Services was 'on track' to receive 2,000 applications this year. The Planning Manager explained that this had slowed slightly, and the Service was likely to be 'on track' for 1,500 for the year but this would give the Planning Team time to work on the outstanding, bigger Planning applications

It was resolved unanimously:

That the Planning Performance Reports for September 2023 be noted.

The meeting concluded at 4:57pm.

Chairman.....

Date.....