



# East Cambridgeshire District Council

## **Minutes of a Meeting of the Planning Committee Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 2:00pm on Wednesday 4 October 2023**

### **Present:**

Cllr Chika Akinwale  
Cllr Christine Ambrose Smith  
Cllr David Brown  
Cllr Martin Goodearl  
Cllr Kathrin Holtzmann  
Cllr Julia Huffer (substitute for Cllr Lavinia Edwards)  
Cllr Bill Hunt  
Cllr John Trapp  
Cllr Gareth Wilson  
Cllr Alan Sharp (substitute for Cllr James Lay)

### **Officers:**

Holly Chapman – Senior Planning Officer  
Simon Ellis – Planning Manager  
Dan Smith – Planning Team Leader  
Angela Tyrrell – Senior Legal Assistant  
Jane Webb – Senior Democratic Services Officer  
Hannah Walker – Trainee Democratic Services Officer

### **In attendance:**

Sam Robinson, (Agent, Agenda Item 6 / Minute 35)  
Fiona Talbot, (Agent, Agenda Item 6 / Minute 35)  
Fraser Hall (Agent, Agenda Item 7 / Minute 36)  
Parish Cllr Ian Boylett (Witchford Parish Council Representative Agenda Item 7 / Minute 36)

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

### **31. Apologies and substitutions**

Apologies for absence were received from Cllrs Lavinia Edwards, James Lay and Christine Whelan.

Cllrs Julia Huffer and Alan Sharp attended as substitutes.

### **32. Declarations of interest**

No declarations of interest were made.

### **33. Minutes**

The Committee received the Minutes of the meeting held on 6 September 2023.

It was resolved unanimously:

That the Minutes of the Planning Committee meeting held on 6 September 2023 be confirmed as a correct record and be signed by the Chairman.

### **34. Chairman's announcements**

The Chairman made the following announcements:

- Jane Webb was welcomed to the Council as a new Senior Democratic Services Officer.
- Charlotte Elston was welcomed to the Council as a new Planning Officer.
- An email was received from Tor and Co in support of Agenda Item 5 (22/00128/FUM) only 30 minutes prior to the commencement of the planning committee; this was distributed to Members. The Chairman reminded agents, applicants, and members of the public that the deadline of 48 hours prior to committee existed to ensure that any communications received by Members would be fully considered by the Committee.

### **35. 22/00128/FUM – David S Smith Corrugated Limited, Fordham Road, Newmarket, CB8 7TX**

Dan Smith, Planning Team Leader, presented a report (Y59, previously circulated) recommending approval of a development, subject to conditions, for an application seeking alterations and extensions to an existing packaging facility to accommodate additional corrugator, boilers, starch plant, effluent plant, reel store, pallet store, transformers, parking, landscaping, and infrastructure works.

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

The main considerations for the application were deemed to be:

- **Principle of development** – the application site lies within the countryside where GROWTH 2 restricted development, subject to exceptions within the policy. One such exception was for the

expansion of existing businesses that accorded with Policy EMP2 and another was where sites in the countryside were specifically allocated within the Local Plan as part of allocation policy FRD8, which allowed up to 14.5 hectares of additional industrial use. The proposed development was therefore considered to comply with policies for expansion and therefore accepted in principle.

- **Visual amenity and landscape character** – the site formed part of a cluster of commercial and industrial sites which provided immediate character which was already developed and had been allocated for further development. The extensions proposed were 19,000m sq and these followed the pattern, scale, and form of the existing buildings. The separation of Fordham from neighbouring villages would not be reduced and there would be negligible effect on the wider landscape which would be improved by the proposed landscaping. The application was considered to comply with Local Plan policies ENV1 and ENV2 and Neighbourhood Plan Policies 2 and 4.
- **Residential amenity** – there was no impact on light or outlook as the proposed extensions were considered far enough from any dwellings. There was the potential to intensify noise and light impacts on the neighbours; the Environmental Health Officer had agreed that conditions for insulated cladding and a Noise Management Plan would result in an acceptable impact regarding industrial processes and associated vehicle movements. The proposal complied with Local Plan policies ENV2 and ENV9 and the Neighbourhood Plan Policy 2.
- **Historic environment** – the site was not near any designated heritage assets; with Grade II buildings sufficiently distanced that there would be no impact on their settings. The proposal complied with Local Plan Policies ENV11, ENV12 and ENV 14.
- **Highway safety**– the proposed extensions were large and would result in a modest increase of employees. The main site access would remain, but a temporary access was proposed for construction traffic. A condition would be required to widen the footway/cycle path between the site access and roundabout to achieve a cycle network connection. The proposal complied with Local Plan Policies COM 7 and COM 8 and Neighbourhood Plan Policy 11.
- **Parking provision** – current provision provided 202 car spaces with fifteen additional spaces proposed to address the projected increase in employees. Current provision provided 55 HGV bays with seventeen additional bays proposed; these would be managed via the use of loading bays and fleet operation. Six additional cycle parking spaces were also proposed; an updated Travel Plan would be secured via a condition. The proposal complied with Local Plan Policies COM 7 and COM 8 and Neighbourhood Plan Policy 11.
- **Ecology and biodiversity** – the application was supported by an Ecological Impact Assessment; the impact on designated ecological sites had been considered and accepted with no significant impact on protected species; any impact during construction would be mitigated via a Construction Environmental Management Plan CEMP. The extensions would result in the loss of one hundred trees, but a significant and enhanced scheme would secure the planting of native

plants and meadows, this included a 30-year management plan to ensure the landscaped areas remained healthy and a biodiversity scheme realised. The proposal complied with Local Plan policy ENV 7.

- **Flood risk and drainage** – the site was located within Flood Zone 1 with a very small section in Flood Zone 3, development would not extend into Flood Zone 3 and Flood Risk Assessment had demonstrated an acceptable impact in respect of flood risk. Significant negotiation had taken place with LLFA regarding drainage design, the LLFA were now content with the drainage impact, subject to condition of construction and operational phase drainage designs. Anglian Water had confirmed capacity was within the wastewater treatment facility but had requested conditions relating to the foul water drainage design; trade effluent had been dealt with under licence agreement with Anglian Water. The proposal complied with Local Plan Policy ENV 8.
- **Energy and sustainability** – the application was supported by a Renewable and Low Carbon Statement which detailed sustainability measures to be implemented: passive design (thermal performance of building materials, natural lighting, reduction of heat loss and solar gain), a roof-mounted photovoltaic array, six electric car charging points, energy efficient lighting, low-carbon energy generation employed (waste heat exchange, ASHP), intelligent building management system, rainwater harvesting and low water use fittings. The Scheme would exceed VREEAM 'very good' classification. The proposal complied with requirements of ENV 4 and Climate Change SPD.

Cllr Trapp, asked for clarification regarding the additional six electrical charge points and if any provision had been made regarding energy provision for cooling the building. The Planning Team Leader explained there would be six additional electrical charging points installed and as part of the renewable strategy, an intelligent building management system would be installed to deal with temperature control. There would also be a large photovoltaic array on the roof and the energy harvested from these would be used onsite to manage the heating and cooling systems, therefore the extent for provision for renewable energy on site was considered very good.

Cllr Wilson asked if the replacement trees would be small saplings or larger sized trees. The Planning Team Leader explained that the Tree Officer had considered a detailed planting specification which included tree pit details and the preparation measures necessary to attempt to ensure the trees took and grow as well as possible. There was a limit on how large a replacement tree could be, but the Tree Officer was content with the specifications of the proposed replacement trees; inevitably these would not be of the scale of the trees that would be lost, which were planted around 1995, therefore it would take time before the landscaping was established, but the proposed trees were of an appropriate scale. The quantum of additional planting would increase the woodland from approximately 0.2 hectare to over 1 hectare; this

was considered a substantial gain, with additional biodiversity improvements for the site.

Cllr Sharp commented that the report stated the roundabout already operated at capacity and the roundabout on the A142/Newmarket Road already operated over capacity, he asked if this was this the same roundabout referred to in the report. The Planning Team Leader stated this had been taken from the CCC transport assessment and he believed it referred to the roundabout south of the A142, but he could clarify this point if necessary. Cllr Huffer believed it was the roundabout on the A142/Newmarket Road, into Newmarket; and informed Members there would be a traffic light scheme installed to mitigate the traffic at the Hatchfield Farm development. The Planning Team Leader stated that whilst he was not currently certain as to which roundabout was referred to, it was important to note that the impact was negligible, with no objections received. Cllr Hunt reiterated that it was important to have regard to Highways statement that there would only be a negligible effect.

Cllr Sharp asked if the conditions would include the provision of proper signage regarding the new temporary access, from a road safety point of view. The Planning Team Leader stated there would be conditions put in place regarding access and the applicant would also have to enter into an agreement with the CCC Highways, which would provide the details around signage etc.

The Chairman then opened the debate. Cllr Brown welcomed the confidence the applicant had in the local area, and he was totally supportive of the plans to extend the factory. He proposed the Officer's recommendation for approval should be accepted. Cllr Akinwale seconded the proposal and commended the scheme, especially with the introduction of electric car charging points and employment opportunities.

Cllr Ambrose Smith also stated the application was commendable, well thought out and an attractive location. Cllr Huffer agreed and highlighted the further job opportunities and improved cycleways between the site and Fordham, therefore she fully supported the application. Cllr Trapp supported the application and stated the replanting scheme would be far more pleasant than the loss of copse, although there was a missed opportunity to not use the railway/branch line to transport some of the packaging rather than the use of HGVs. Cllr Sharp fully supported the application.

Cllr Hunt stated that in the past applications from DS Smith had exceeded any obligations and were therefore very worthy on employment and other grounds and he therefore fully supported the application.

The Planning Team Leader reminded Members of the written update circulated to Members prior to the meeting, of minor amendments to conditions in respect of ecological mitigation for the construction phase and post construction phase to clarify timings.

It was resolved unanimously:

- That planning application ref 22/00128/FUM be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report as amended by the Planning Committee update sheet.

### **36. 23/00737/FUL – 30-36 Market Street, Ely, Cambridgeshire CB7 4LS**

Holly Chapman, Senior Planning Officer, presented a report (Y60, previously circulated) recommending demolition of outbuildings, approval of an application seeking the demolition of outbuildings, change of use of cold store to form one flat, erection of two dwellings, and associated works.

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

The main considerations for the application were deemed to be:

- **Principle of development** – the application site was within the development envelope for Ely, with the principle of back-land development considered acceptable, based on a contextual analysis. There was no conflict to Policy COM 2 regarding loss of retail floor space as this was protected and retained as part of the proposal. The proposal would remain liable with contributions in line with Policy GROWTH 3.
- **Residential amenity** – the Market Street properties lie to the south of the development with a good level of amenities retained for the prospective occupiers of the proposed flats and existing dwellings and for the prospective occupiers of the Market Street properties. The proposal complied with Policy ENV 2 and the NPPF. The proposed dwellings would not benefit from their own amenity space but from a shared courtyard; but given the city centre location, this was considered acceptable, as well as the accessibility to other forms of open spaces.
- **Residential amenity - Woolpack Yard Development** – the previous scheme had been refused at the December planning committee based on the impact upon the residential amenity of the Woolpack Yard development, in terms of the scale of the development and the proximity to the occupiers. The impacts had now been addressed under the revised scheme, which provided a much lower scale development, set further away and was now on a more domestic scale. The existing outbuildings within the site were also removed and overall development was considered to comply with Policy ENV 2 and NPPF.
- **Character, appearance, and heritage** – the site was an amalgamation of different uses and outbuildings, having been a product of history and time. The proposal would result in a formalisation of the site and a net enhancement to the conservation area; this had been echoed by the Council's Conservation Officer.

There had been no objections regarding archaeological heritage, subject to the provision of an appropriate Written Scheme of Investigation (WSI). The proposal was compliant with Policies ENV 1, ENV2, ENV 11, ENV 14 and HOU 2, Design Guide, Ely Conservation Area Appraisal and the NPPF.

- **Highways parking and access** – the residential scheme was proposed to be a car-free development; this was allowed for within policies of the Local Plan, particularly where this would benefit the character and flexibility of the area, such as conservation areas. This was also considered acceptable due to the properties only having one bedroom and their proximity to the city centre. The four car spaces on site were retained for existing commercial use. There had been no objections received from the highways authority and there would be no significant increase in vehicle movement regarding waste collection and deliveries. There were several existing dwellings and flats around the location, and it was considered the existing arrangements would be recreated for the proposed development.
- **Other material matters** – the proposed development was acceptable regarding biodiversity, ecology and tree impacts, flood risk and drainage impacts, contamination, and pollution impacts. Climate change impacts, were acceptable, subject to the imposition of appropriately worded conditions, as set out in the report.

On the invitation of the Chairman, the Agent, Sam Robinson, addressed the committee, stating he was in support of the proposal and made the following comments. The site was to the rear of 30—36 Market Street, with several outbuildings, gravel, and concrete hardstanding and with four car parking spaces. The applicant had submitted a previous application in 2021 for four new dwellings, which had consisted of a two-storey block to the west boundary and partial demolition and extension of the rear of the existing building; this had been refused at committee (following Officer's recommendation) based on an overbearing form of development. The current submitted application had brought forward a scheme significantly reduced in scale, which comprised of a single storey block, providing two 1-bedroom dwellings to the west boundary, and was sufficiently separated from the existing development to the north. There were no proposed windows facing directly towards the existing residential developments. A further studio flat was created at the rear of the existing building with a small extension. The proposals would also result in an improved landscaped and shared amenity space, secure purpose-built bin/cycle stores, and four new parking spaces which would replace the existing spaces, to include adequate space for turning. The current application had an officer recommendation of approval, as all previous planning issues had been removed. The existing gates at the site entrance would be replaced by new sliding gates, these would be set slightly back into the site, therefore the turning space adjacent to the existing parking would remain the same. Concerns had been raised relating to any impact the construction would have on the neighbours. However, a condition would be applied which required the applicant to prepare a Construction Management Plan; this Plan would allow the local authority to agree details of the construction to minimise the impact on

neighbours. There were two alternative vehicle rights of way into the site, one from the North and the other to the east from Market Street. Details of the Management Plan would need to be agreed with the principal contractor when appointed. Concerns also had been expressed relating to potential noise from the heat pump units and the sliding gates, but there was a 1.8 metre timber fence to the north boundary which would be extended following the removal of the brick outbuilding that would help reduce/mitigate any potential noise. The applicants were happy for a condition regarding the details of the heat pumps to be agreed if necessary, however, most modern heat pump units and sliding gate mechanisms were known to operate quietly. Sam Robinson concluded that the proposed scheme provided three new dwellings for rent, on a brown field sustainable site, with new plants and landscape, which would result in a vastly improved site. The scheme had been designed to avoid any impact on neighbours and had the Case Officer's recommendation for approval.

Fiona Talbot, the Applicant, added that her company had been renting locally for 25 years and she had never known of such a rental shortage and therefore she looked forward to having space she could rent to local people. There had been some anti-social behaviour occurring in the car park which the development would hopefully prevent, there had also been a homeless man sleeping in the car park, which had been reported and resolved by the Council, and there had been problems with people dealing drugs which also was being addressed. The development would secure and improve the car park for the local people. There was also an outside toilet servicing both commercial and shops, this would be moved inside under the new development.

Cllr Akinwale asked for clarification on how the archaeological scheme would be addressed. Sam Robinson, the Agent, explained the archaeological scheme would be dealt with as part of the conditions; there would be a need for the County Council to provide a brief for the works and then an archaeology consultant would be engaged to prepare the WSI as part of the discharge of the conditions.

Cllr Trapp asked if one of the two accesses to the site would be blocked off after completion of the development. Sam Robinson explained it was proposed to block the east access to the site, with the north entrance remaining once the construction had been completed.

Cllr Holtzmann asked if the intended cycle storage for the flats would be suitable for parking mobility scooters. Sam Robinson explained that this could be applied for under a condition as the use for mobility scooters was a possibility. Fiona Talbot stated she would be willing to provide parking/shelter for mobility scooters. Cllr Ambrose Smith added that an electric charging point may also be necessary.

Cllr Hunt asked for clarification around the provided parking spaces. Sam Robinson explained there were currently four existing parking spaces, these would be removed as the outbuildings were stripped out but would be



replaced with four new parking spaces, although these would be for the existing commercial units, not for the residential units. Cllr Hunt confirmed that for the two bungalows and one flat, there would be no parking facilities.

The Senior Planning Officer added there was a condition within Appendix 1, which secured a bin and cycle store; but as there were no details yet, there would be the potential to include the provision of a mobility scooter store. It was not a specific condition or requirement. Cllr Trapp asked if the Committee would be able to add a condition for the provision of parking for mobility scooters. The Senior Planning Officer confirmed the committee could add this as a condition, if agreed.

Cllr Huffer commented the current application was an improvement upon the previous application. The scheme would be an improvement to the outlook of the area, whilst also providing three needed single residencies. Cllr Huffer proposed the Officer's recommendation for approval of the application.

Cllr Ambrose Smith agreed that the scheme was an improvement and seconded Cllr Huffer's proposal.

Cllr Holtzmann agreed this was a better proposal, great use of ground floor space in the city centre and an improvement to the site. Cllr Holtzman proposed an additional condition, to secure one parking space for a mobility scooter. Cllr Trapp seconded Cllr Holtzman's proposal. The applicant was willing to accept this condition being added to the application.

It was resolved unanimously:

- That planning application ref 23/00737/FUL be APPROVED subject to the conditions detailed in Appendix 1 of the Officer's report together with an additional condition to secure one parking space for a mobility scooter.

**37. 23/00775/FUL – Ridgeway Farm, Common Road, Witchford, CB6 2HZ**

Holly Chapman, Senior Planning Officer, presented a report (Y61, previously circulated) recommending approval subject to conditions of an application seeking the erection of a dwelling and associated change of use of agricultural land to amenity land.

Members were shown a location plan and aerial views of the site, the Senior Planning Officer explained to Members that the application already had extant Class Q permission to convert the barn into a residential dwelling granted by the Planning Department in 2022. Site photos and illustrations of the proposed development were shown to Members.

The main considerations for the application were deemed to be:

- **Principle of development** – the site was situated outside of the development envelope, and had a realistic fall-back position

established under extant Class Q consent for barn conversion into dwelling and would not result in an additional dwelling. The re-use of the rural building was generally in accordance with Policy EMP 4. The material considerations were of significant weight to warrant the departure of the Development Plan, considering Class Q consent. In addition, the curtilage would be enlarged as the building would function as a dwelling.

- **Character, Appearance and Heritage** – the site was a complementary form of development that would protect and enhance the character and appearance of the immediate and wider countryside. The stable block would be retained for use as an incidental outbuilding, and permitted development rights would be removed.
- **Residential amenity** – the application would provide a good level of residential amenity for prospective occupiers of the proposed dwelling and the dwelling to the east.
- **Highways, Parking and Access** – the site would benefit from an existing access, there was no objection from the local Highways Authority, and there was sufficient parking on site.

In summary, the Senior Planning Officer recommended the application for approval, subject to the imposition of appropriately worded conditions. She recognised that the application was a departure from the Development Plan, but the Class Q consent established under permitted development rights were a material consideration of significant weight to warrant this departure.

The Chairman invited Fraser Hall, the Applicant's Agent, to address the Committee. Mr Hall welcomed the Officer's recommendation for approval and stated he was happy to answer questions from Members.

In response to a question from Cllr Huffer, it was reported that the Class Q prior approval was applied for and granted in 2022. Cllr Holtzmann queried the use of energy efficiency in the application. Mr Hall explained that the development was a change to residential use, which would improve the landscaping and character of the site. He highlighted that there had been some Building Regulation changes, however, the application submitted included standard construction requirements.

The Chairman invited Ian Boylett from Witchford Parish Council to address the Committee. Mr Boylett emphasised that he was concerned that the Class Q had been incorrectly approved, that the application was not compliant with the Witchford Neighbourhood Plan and was outside of the development envelope. He queried whether the Class Q applied to a change of use to a dwelling, rather than to convert to a dwelling. Mr Boylett asked Members to uphold the Witchford Neighbourhood Plan and refuse the application.

In response to a question from Cllr Trapp, it was confirmed that Witchford Parish Council agreed unanimously that the application did not comply with the Witchford Neighbourhood Plan.

The Chairman invited further comments from the Case Officer, followed by questions from the Committee Members. She informed Members that the application was a full application. It was not bound by the same requirements of the Class Q permitted development right that was set at the national level, and which included capability of conversion as a key test. The Class Q consent established the principle of a residential development within the application site, but otherwise stood alone.

Policy WNP SS1 and Growth 2 apply to the consideration of the application, but the Class Q consent is a material consideration which is considered to warrant a departure from these policies. Class Q was validated in June 2022 and approved in September 2022; therefore, the applicants would have 3 years to deliver a replacement dwelling.

Cllr Wilson queried the stable block on the site and whether it would be incorporated into the garden or whether it would have any restrictions. The Senior Planning Officer confirmed that the stable building would be considered as an incidental outbuilding to the main dwelling, and a restriction upon the creation of any additional outbuildings was included in the conditions.

Cllr Trapp queried the Planning Statement in paragraph 5.1 of the Officer's report which advised that the agricultural building would be demolished, and an adjacent agricultural building would be relocated as part of the proposal. The Senior Planning Officer advised that the barn in question was just outside of the red line and was not included within the application. Any changes to the barn would either need to be made as part of the Applicant's available permitted development rights or another planning application.

In response to a question from Cllr Sharp, it was explained that the Class Q permitted development right allowed for a conversion of a barn but not extensions. The proposed dwelling would lead to a slightly bigger footprint than the barn it was replacing but would be narrower than the actual barn.

In response to a query from Cllr Huffer, it was confirmed that the criteria for Class Q had been in place from 2013.

The Chairman then opened the debate. Cllr Ambrose Smith proposed the Officer's recommendation, seconded by Cllr Akinwale. Cllr Ambrose Smith commended the Senior Planning Officer's detailed report.

Cllrs Holtzman, Huffer, Sharp and Trapp expressed their concerns regarding the Class Q approval on the development. They acknowledged the concerns raised by Witchford Parish Council, and how the barn had not been used but had Class Q approval to convert into a residential dwelling.

The Chairman reminded Committee Members if they wished to refuse the application then they must decide on the planning reasons. In response to a question raised by Cllr Holtzmann, the Planning Manager advised Members

that for a legitimate reason to refuse, they must consider all material considerations, the development was for a replacement of an existing building and the Policy WNP SS1 of the Witchford Neighbourhood Plan did not include details for existing buildings. In addition, the Local Plan EMP 4 would allow for a replacement building in the countryside.

In response to a query raised by Cllr Goodearl, the Planning Manager emphasised that even though the site was situated outside of the development envelope, this would not be considered a new dwelling, but a replacement to an existing dwelling.

Cllr Wilson acknowledged that the applicant could implement their Class Q consent, and then apply for replacement dwelling in the future. He expressed that the replacement dwelling would be a significant improvement upon the existing building, and an improvement to the countryside, and that the proposals would provide an improvement to the garden to the front of the dwelling. He accepted the Officer's recommendation for approval and seconded the proposal to accept the Officer's recommendation.

It was resolved with 5 votes in favour, 3 votes against and 2 abstentions:

That planning application ref 22/00775/FUL be APPROVED subject to the conditions detailed in Appendix 1 of the Officer's report.

### **38. Planning performance reports – August 2023**

Simon Ellis, Planning Manager, presented a report (Y62, previously circulated) summarising the performance of the Planning Department in August 2023.

Cllr Trapp queried the wording 'quashed' used within the report. The Planning Manager explained this would mean the case was totally dismissed and did not now exist.

It was resolved unanimously:

That the Planning Performance Reports for August 2023 be noted.

The meeting concluded at 4pm

Chairman.....

Date.....