



East Cambridgeshire District Council

Meeting: Planning Committee

Time: 2:00 pm

Date: Wednesday 5 March 2025

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

Enquiries regarding this agenda: Patrick Adams

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Committee membership

Quorum: 5 members

Conservative members

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

Conservative substitutes

Cllr Keith Horgan
Cllr Julia Huffer
Cllr Lucius Vellacott

Liberal Democrat and Independent members

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

Liberal Democrat and Independent substitutes

Cllr Christine Colbert
Cllr Lorna Dupré
Cllr Mary Wade

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

11:30: Planning Committee members meet at The Grange reception for site visit.

AGENDA

1. Apologies and substitutions

[oral]

- 2. Declarations of interests** **[oral]**
To receive declarations of interests from Members for any items on the agenda in accordance with the Members Code of Conduct.
- 3. Minutes** **Page 5**
To confirm as a correct record the minutes of the meeting of the Planning Committee held on 15 January 2025 and 5 February 2025.
- 4. Chair’s announcements** **[oral]**
- 5. 24/01242/FUL** **Page 25**
Erection of a 3 bedroom detached bungalow and associated works.
Location: 12 Swaffham Road, Burwell, Cambridge CB25 0AN
Applicant: Mr & Mrs M L Smith
Public access link: [24/01242/FUL | Erection of a 3 bedroom detached bungalow and associated works | 12 Swaffham Road Burwell Cambridge CB25 0AN](#)
- 6. Planning performance report – January 2025** **Page 45**
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Notes

- Members of the public are welcome to attend this meeting. Please report to the main reception desk on arrival at The Grange. Visitor car parking on-site is limited to 1h but there are several [free public car parks close by](https://www.eastcambs.gov.uk/parking/car-parks-ely) (https://www.eastcambs.gov.uk/parking/car-parks-ely). The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints this will normally give a capacity for public attendance of 30 seated people and 20 standing. Public access to the Council Chamber will be from 30 minutes before the start of the meeting and, apart from for registered public speakers, is on a “first come, first served” basis.

The livestream of this meeting will be available on [the committee meeting’s webpage](https://www.eastcambs.gov.uk/node/1416) (https://www.eastcambs.gov.uk/node/1416). Please be aware that all attendees, including those in the public gallery, will be visible on the livestream.

- The Council has a scheme to allow [public speaking at Planning Committee](https://www.eastcambs.gov.uk/committees/public-speaking-planning-committee) (https://www.eastcambs.gov.uk/committees/public-speaking-planning-committee). If you wish to speak on an application being considered at the Planning Committee please contact the Democratic Services Officer for the Planning Committee democratic.services@eastcambs.gov.uk, to **register by 10am on Tuesday 4th February**. Alternatively, you may wish to send a statement to be read at the Planning Committee meeting if you are not able to attend in person. Please note that public speaking, including a statement being read on your behalf, is limited to 5 minutes in total for each of the following groups:
 - Objectors
 - Applicant/agent or supporters

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

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

Minutes of a Meeting of the Planning Committee

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 2:00pm on
Wednesday 15 January 2025

Present:

Cllr Chika Akinwale
Cllr Christine Ambrose Smith
Cllr Lavinia Edwards
Cllr Martin Goodearl (Vice Chair)
Cllr Keith Horgan (substitute for Cllr David Brown)
Cllr Bill Hunt (Chair)
Cllr James Lay
Cllr Alan Sharp
Cllr John Trapp
Cllr Ross Trent
Cllr Christine Whelan
Cllr Gareth Wilson

Officers:

Maggie Camp – Director Legal Services
Rachel Forbes – Planning Officer
Catherine Looper – Major Projects Planning Officer
David Morren – Strategic Planning and DM I Manager
Cameron Overton – Trainee Democratic Services Officer

In attendance:

Duncan Jenkins (Applicant, Agenda Item 5 / Minute 60)
Jonathan Stiff (Agent, Agenda Item 5 / Minute 60)
Paul Shepard (Agent, Agenda Item 5 / Minute 60)
Ed Sutton (Agent, Agenda Item 5 / Minute 60)
Thomas Boucher (Resident, Agenda Item 5 / Minute 60)
Cllr Richard Morgan (Parish Councillor, Agenda Item 5 / Minute 60)
Cllr Alison Whelan (Ward Councillor, Agenda Item 5 / Minute 60)

4 other members of the public

ECDC Comms

56. Apologies and substitutions

Apologies for absence were received from Cllr David Brown.

Cllr Keith Horgan was attending as substitute.

Due to Cllr David Brown's absence, Cllr Martin Goodearl Vice Chaired the meeting.

57. Declarations of interest

Cllrs Christine Whelan and John Trapp declared they were members of the organisation CAMRA, but that both were approaching the meeting with an open mind.

58. Minutes

The Committee received the Minutes of the meeting held on 4th December 2024.

It was resolved unanimously:

That the Minutes of the Planning Committee meeting held on 4th December 2024 be confirmed as a correct record and be signed by the Chair.

59. Chair's announcements

The Chair wished everyone a happy new year.

The Chair announced that Cameron Overton was leaving at the end of January 2025. The Chair thanked him for his efforts throughout his time at East Cambridgeshire District Council and wished him well in his future endeavours.

60. 24/00510/VARM – Land North of Cam Drive, Ely, Cambridgeshire

Catherine Looper, Major Projects Planning Officer, presented a report (Z119, previously circulated) recommending refusal of an application seeking to vary Conditions 3, 4, 51, 65, 66 and 67 of previously approved 13/00785/ESO for residential led development of up to 1,200 homes with associated employment and community uses, supporting infrastructure, and open space/landscaping on land to the west of Lynn Road in Ely.

The Major Projects Planning Officer noted that a number of responses from residents had been received following the deadline for report publication. These were circulated to Members in the form of an Update Sheet.

It was further noted that late submissions of responses had been received on the day of the Committee meeting. Circulated to Members as a second update sheet.

The response from Cambridgeshire County Council regarding the micro-library had been received late and not included in the list of consultees responses but had been summarised in paragraph 7.3 of the report.

The considerations for this proposal were:

- Removal of Public House/Restaurant.
- Smaller work hub within the Community Building.
- Increase of retail units from 4 to 5, with same floor space as previous.
- Amendment to use classes for retail element to include sui generis for wine/drinking establishment.
- Removal of micro library from development specification.
- Removal of purpose built live/work units.
- Increase in building height parameters for south-eastern corner of mixed-use development by 0.5 storeys.
- Regularise use classes listed due to changes in use class legislation.
- Estimated jobs created reduced from 250 to 178.
- Changes to wording of conditions 3, 4, 51, 65, 66, 67 to reflect the above.

The key consideration for Committee was the removal of the Public House/Restaurant to be replaced by retirement homes, use class C3. Paragraph 7.4.2 of the Local Plan sought to prevent the loss of services and facilities, unless there were exceptional reasons to justify it. Paragraph 7.4.3 of the Local Plan stated that for community facilities to change use, applicants needed to demonstrate that the facility was neither viable, nor likely to become viable for that use, or an alternative community use; it was necessary that the applicant had supplied sufficient evidence of the premises having been marketed locally, and nationally, for 12 months for the current, or alternative, local commercial community use and that there was no interest in the use of the community facility. It was also necessary that the applicant provided sufficient evidence that all efforts to preserve the facility, including diversification options had been made.

It was explained that the applicant had submitted a justification report alongside the application submission and had provided the results of their public engagement questionnaire:

- The justification report set out that 9 offers were received for the Local Centre at Cam Drive, but gave no details of what those offers were, or why they were not progressed.
- The report set out that only 1 offer was received for the whole Local Centre site, but did not provide justification for why only an offer for the whole site had been considered.
- The application did not provide any marketing information or reports on the results of marketing activity; the public engagement questionnaire,

provided, consisted of a public engagement flyer, a blank questionnaire form and a Microsoft Word document, with the responses input.

- It was noted that the questionnaire made no reference to the previously approved Public House/Restaurant, nor whether its replacement would have been supported or objected to by the local community.
- While it was acknowledged that a proposed nursery provided an alternative community facility, the applicant failed to show that this change would provide demonstrable greater benefits, as required by Policy COM3.
- Proposed retirement living was already provided for, within the Lynn Road development.

It was considered that the previously approved Public House/Restaurant provided a social meeting place for a wide range of the local community, while a nursery and retirement living space was not deemed an unacceptable use for the area, they would cater to only one sector of the community respectively and ought not to compromise a balanced provision of community facilities.

In summary, there were changes proposed which did not impact on the North Ely site. However, for the lack of evidence provided, amongst other reasons listed above, Members were recommended to refuse this application.

The Chair invited Duncan Jenkins, accompanied by representatives from the Co-op, LSP and Cheffins.

“Good afternoon, Chair and Members.

“My name is Duncan Jenkins, I am Projects Director at Endurance Estates, a Chartered Term Planner, with over 25 years’ experience and have been working on Orchard Green, Ely North for about 13 years.

“We have delivered around 350 homes, with 4 house building partners, the Isle of Ely Primary School, the Orchards Care Home and some £4.5 million of Section 106 contributions.

“The applications before you today provide a revised framework for the Cam Drive Local Centre, as a comprehensively designed heart for Ely North. They would enable the provision of a Co-op convenience store, four additional retail units, a café/wine bar, the new community centre in a format as agreed with the City Council, a children’s day nursery, later living accommodation of around 49 apartments, and comprehensive enhancements to the public realm.

“The community consultation undertaken by LSP, our specialist development partner, prior to the application being submitted, showed that 83% of people attending supported the proposals. During the formal consultation process, only 1 resident objected to the scheme, this may be updated now and apologies if so. Several residents have expressed strong support, on the basis that they are now living in North Ely, on the promise of the shop and

community facilities and would like to see the Local Centre delivered without delay, as would we.

“All of the proposed uses were judged to be acceptable by the Council under the original outline planning permission but are now delivered in a different configuration to that foreseen 12 years ago. The Committee Report confirms that nursery, residential and retirement living space would not be an unacceptable use.

“The Committee will note that officers are recommending refusal of the package because of the loss of the pub as a community facility. There are a number of important points to make:

- The pub does not currently exist, nor has it ever been an application for a pub, it was simply a potential land use within the outline planning application. Therefore, referencing the Committee Report to Policy COM3 referring to a loss of community facilities is irrelevant. No site has ever been specifically allocated for a pub.
- Fundamentally, there is no market for a public house following COVID and the industry is faced with closures, rather than new openings, as illustrated by the Cherry Tree in Haddenham, which was before Committee for a change of use last year.
- The proximity to the Isle of Ely pub, which received permission after Ely North, has soaked up any demand which might have once existed when the scheme was envisaged. The replacement café/wine bar offers a suitable alternative.
- The location of the later living accommodation provides better residential amenity for existing residents than a pub.

“The Section 106 agreement provided for a contribution of £500,000 towards the delivery of the Community Centre. The current cost of this facility is £1,200,000. It is only through a comprehensive package that the local centre can be viably delivered on site. That is what we worked hard to secure in a manner that reflects community aspiration. There is a risk that if this revised application does not get approved, the Local Centre will not be deliverable, and plots will remain vacant at the heart of North Ely.

“Fundamentally, the proposals are not about what is being lost, they are about community facilities that can be gained and as such, we believe the Officer’s comments on planning balance, are fundamentally flawed. I would, therefore, urge Members to vote against Officer recommendations to grasp the opportunity to enable delivery of a much needed, market facing, Local Centre and approve the applications before you.

“Finally, as I said earlier, I do have colleagues here to answer any questions you may have.

“There were also just a couple of comments made by the Officer there that I would like to correct, if I may. In terms of the Lynn Road Local Centre, I think the officer referred to a similar facility as ‘retirement living up at Lynn Road’. That’s not what’s being proposed at Lynn Road, there it’s extra care, which is

different from retirement living being proposed as part of this change. Overall, talking about trying to show that there's more benefit of this scheme, the benefit is delivering a heart to Ely North, in a comprehensive manner. I think that fundamentally outweighs any purported loss of the other facility.

"Thank you, Chair."

The Chair invited Mr Jenkins' colleagues to introduce themselves: Jonathan Stiff, Cheffins; Paul Shepard, Co-op; Ed Sutton, LSP.

The Chair invited questions to the applicants.

Cllr Christine Ambrose Smith queried whether sufficient marketing of the pub had been undertaken and whether evidence was presented. Mr Jenkins reiterated that while a marketing scheme had been undertaken, there was no market. Mr Stiff explained the steps carried out as part of the marketing scheme; Mr Sutton stated that when it was taken to market, there was no interest in taking on the pub by national chains.

The Chair informed the applicants that new evidence could not be submitted at this late stage, when the representative from Cheffins presented a marketing booklet to the Committee.

When questioned by Cllr John Trapp, it was explained that attempts to sell the site as a whole, rather than splitting it was to raise enough funds to enable the Community Facility to be built, as well as maintaining an overall aesthetic across the site.

Cllr Alan Sharp asked whether people bought houses on the site, having been promised and marketed all the benefits of the community facilities. It was noted that the community facility was key, but that buyers were provided details of what could be seen and that things change in planning.

Mr Jenkins confirmed to Cllr Keith Horgan that the marketing information had not been provided to the planning officers, but that the information had been relayed to them.

Cllr John Trapp sought clarification over the price demanded for the whole site. It was explained that there was no set price; they were looking for offers.

It was confirmed to Cllr Chika Akinwale that a play area was included in the proposed changes.

In discussion with Cllr Bill Hunt, it was stated that the size of the Co-op would be that of a convenience store with 3000 items in, and the nursery would cater for 80-100 children.

Cllr Alan Sharp queried the traffic implications of a nursery in operation, Mr Stiff noted that there would be little implication due to the operating hours

generally being 07:00 and 19:00 with staggered start and finish times for children depending on childcare necessity of parents.

It was stated that the change of use to retirement living was not for profit, but rather a balance of community offerings, when questioned by Cllr John Trapp.

Cllr Keith Horgan queried whether the applicant was aware of the planning officer seeking evidence of responses and whether they supplied copies of the correspondence. Mr Jenkins confirmed that he knew, but that he did not have the email chain at hand to confirm whether it was provided.

Following Cllr Gareth Wilson questioning why the Co-Op had not already been completed, Mr Jenkins agreed that it would have been more ideal to have gone ahead with building the other community facilities, but that due to case law precedent, if one part of the overall application was requested to change, they must wait for approval before they could move ahead with other aspects of the development.

The Chair invited Thomas Boucher to address the committee.

"I wish to set out why I think proposals offer a more appropriate replacement facility and this would likely better serve our community.

"In 2021, the developers set out these amended proposals at their public consultation and much of the community went down to see the proposed plans.

"Originally, the proposed pub was a whopper: 7,500 square feet, almost three tennis courts in size, with an additional large car park. What type of tenant will take this on? A national chain? Well, if you could find one with wage increases, increasing National Insurance and a generally bad time for the pub trade, with thousands closing across the country, whoever occupied the place, I very much doubt, is going to be a local pub in the true sense of the word.

"The proposal for a 1,200sqft café in the day and wine bar in the evening, is the perfect size in my opinion. Aren't the best community bars and cafés more intimate affairs? The proposal is much more reasonable in its footprint than the original planned pub. 1,200sqft is around the area occupied by my 4-bedroom house, so not huge but not small. Furthermore, this site is ideal to give a local person the chance to set up the café and bar. Café in the day for families and a bar in the evening, very similar to how they do it on the continent. Additionally, the new facility will encourage people to walk and cycle.

"The flats for retirees are also a welcomed addition; the average age of the population is increasing and has done in the last 10 years, since the original proposal. It is nice for Ely families to have an alternative to a care home. These alternatives free up, usually large, homes for families in Ely.

“Times have changed, more people are cycling and walking. People are eating healthy, and crucially, the North Ely Leisure Park has been built, with a smorgasbord of options, from Portuguese chicken to Italian and there’s even good old pub grub. Yes, the Isle of Ely, just a few minutes’ walk away.

“Finally, we have the new cricket club, which will have a kitchen, bar and, my understanding is, they will look to run this to raise money for the cricket club. Cricket club houses like this have become successful community hub centres in their own right, just look at the Grumpy Goat in the village of Bardwell in Suffolk – a roaring success!

“The new proposals include everything the spirit of the original proposals set out, but it does so in a more modern way, with the addition of both a nursery and retiree flats.

“If this planning is not granted today, I fear the community of North Ely will be left without these facilities for another 10 years. That will be the biggest loss of all. Children will have grown up on the new development having never known what it was like to walk to the local shop; they will have never had a birthday party in the community centre; they will never have had the chance to bump into a neighbour in the café and make a friend.

“I urge you to accept these proposals and get spades in the ground!”

When questioned by Cllr John Trapp, Mr Boucher expressed his feeling that the wine bar would be inclusive, as it would serve as a café in the day and a wine bar in the evening, thus offering services to people of all inclinations.

The Chair invited Cllr Richard Morgan of the City of Ely Council to address the committee.

“I’m Richard Morgan and I’m a City of Ely Councillor representing the 4,355 electors in the North Ward.

“We’ve heard comments, both for and against the application submitted by Endurance Estates. We have on file the response from the 37 consultees, nearly all make no comment.

“The Planning Officer has stated, in her opinion ‘insufficient evidence and justification has been received regarding the loss of community facilities within the development’. We have nearly three sides of A4 detailing why the officer asks for Councillors to refuse this application.

“In paragraph 7.5, mention is made of a justification report that ‘9 offers were received for the local centre at Cam Drive, but gave no details about what those offers were, or why they were not progressed’. The paragraph continues in the same vein; I would remind Councillors this report is dated today, Wednesday 15th January 2025. However, the officer was aware of all of this in Autumn of 2021, that only one offer was made for the whole from LSP developments, working in partnership with Central England Co-op. The offer

for the whole was based on using lot two for 41 retirement apartments and using lot three as a nursery.

“The particulars were sent to numerous pub companies, and their agents, but none were interested in purchasing any sites at that time for new public houses and ‘even if this situation was to change, then the proximity of the new public house at the nearby leisure village would deter them from investing in a site at Orchards Green’. That was sent in an email dated 22nd February 2022.

“We need to wake up to the reality that a pub on this site is a non-starter.

“The mix of uses may have changed, but the proposed scheme will deliver the Council’s main aims of a food store and a community facility on the development. In fact, the Co-op will be larger than originally consented and the loss of the pub will be overcome by using one of the ancillary units as a café/wine bar.

“As a ward Councillor, I have spent the last few years listening to residents’ concerns from both sides of Cam Drive, from Stour Green to Damson Avenue. Without missing a beat, all want the community centre and Co-op. Many residents have been in occupation since 2019 and feel let down because they were promised all these things on purchase, but still undelivered.

“Now, let there be no misunderstanding, I am not advocating ignoring completely what our Council Officers professionally advise us. It is rather to make it work. Work with us, not over us. To stand by our side, not ride on our back. Local Government can and must provide opportunity, not smother it. Foster productivity, not stifle it.

“Brexit, COVID, the 2022 Mini Budget have all changed the way we live. It is no coincidence that there has been such a proliferation of new cake and coffee shops in Ely, in the past 10 years.

“Mr Chairman, a former colleague of both yours and mine, Mike Rouse used to say how much he was looking forward to buying a pint of milk at the new Co-op. Well, he died three years ago this year. To paraphrase George Gipp in Knute Rockne he might have said this to fellow Councillors: ‘Tell ‘em to go into that Council Chamber with all they’ve got and win one for the Rouser. I don’t know where I’ll be, but I’ll know about it, and I’ll be happy’.

“Please support Endurance Estates application, thank you.”

The Chair invited Members to ask Cllr Richard Morgan questions.

Following questioning from Cllr Keith Horgan, Cllr Richard Morgan confirmed that City of Ely Council views were split and that he was asking this Planning Committee to ignore the reservations expressed by City of Ely Council, as he was representing his constituents.

When queried by Cllr John Trapp, Cllr Richard Morgan expressed his concerns that constituents had been promised a food store in 2014, not delivered at the time of this Committee Meeting.

The Chair invited Cllr Alison Whelan to address the committee.

“Thank you Chair for allowing me to speak today and I would also like to thank the officers for their work on this report, the help they’ve given me and all of the extra work they’ve been given for some of the things I’ve done.

“The plans for North Ely have been around for a long time and for the Local Centre established early in the development process. This follows other developments across the city, which lack community facilities that are so needed. Those plans were developed more than a decade ago and there are times that it is important to review what was originally planned.

“I do not think that changes planned are particularly controversial, but the pub/restaurant is. A family friendly pub would be nice to have, but the location may be questionable. I know it is a 15-minute, gentle walk, to the Leisure Village where such facilities already exist. These are facilities which were not there when the original plans were developed.

“The need for a local shop is clear, which has not been built, despite the massive growth in the area. We have the whole of Stour Green, Williams, Damson and Kings Avenue where we have absolutely nothing. I go past that site frequently and think how easy it would be to pop in for the odd item.

“I also recall lovely family moments at a variety of family friendly pubs in my younger days and it was an important place for me to meet friends. But things change and reminiscing on how things were in the past is not necessarily the way for the future. I asked my daughter and her friends about pubs, and their generation visiting pubs; their generation has a very different view on entertaining. The regular meeting on a Friday night in the pub is just not something that they do any longer. They organise via social media, and they organise the places they want to go out to.

“Members of the Committee, you’ll be aware that I asked residents their views to help me today. I was actually surprised by the number of responses I received, and I do apologise, I was not able to forward all of them to you. I think that I have now received a further six responses, since the ones I sent over to you and I believe all bar one of those was of the same opinion as the ones sent over to you already.

“It is clear that the majority of respondents are saying exactly the same thing. They want to get the shops built there. They do not want a pub on that site. Various reasons were given from being inappropriate in a residential area, to highlighting the challenges faced by nighttime industries. We are seeing far too many pubs ceasing to trade and being converted to residential properties.

“There are those who believe the pub should be built, as that was on the original plans and that it is even more important than the shops and community centre.

“The integrity of the developers has also been highlighted to me, suggesting that they are only interested in profits, rather than what is right for the community. That is not for me to judge, that is for you to judge.

“A number of the responses have liked the idea of a pub/restaurant but have been prepared to see it disappear from the site on the condition that the shops, Community Hall and other community areas are built quickly. The offer of a café/wine bar has undoubtedly influenced those views as we’ve heard from Mr Boucher. The main concerns raised by some of the revised plans has been the nature of the replacement building; some are happy with retirement living accommodations, but others would prefer to see community replacements, from a small car park to an ice rink.

“I would ask you to consider very, very carefully and put into place appropriate conditions to make sure this is delivered very, very quickly and I would like you to consider what residents have said. They would like to see the shop. They are not interested in the pub. Thank you”

The Chair invited questions to Cllr Alison Whelan.

Cllr Alison Whelan suggested that, in her view, this was a question of delivery and not whether the pub gets built or not, when asked by Cllr John Trapp.

The Chair invited comments from the officers.

The Strategic Planning Manager made the following comments:

- The application was received 17th May 2024.
- The food store was proposed to be the same size as previously approved.
- As the Planning Authority had previously received development specification, the pub was a ‘would be’, not ‘could be’, delivered aspect

The Major Projects Planning Officer made the following comments:

- The community building specifications had been agreed with the City of Ely Council.
- A justification report had been received, but without any evidence on what the marketing activity was, which had been requested.

Cllr Bill Hunt sought clarification on if the removal of the micro-library would trigger a cash sum to be paid to the County Council. The Major Projects Planning Officer confirmed that it would, and the suggested amount was £30 per dwelling.

Cllr Gareth Wilson queried if it was possible to dictate that the shop be built before any new dwellings on the site, should this application be approved. The Strategic Planning Manager informed him that this was not a possibility.

Cllr Christine Whelan noted that CAMRA had a viability study which was used for pubs and queried what viability studies were used by the Planning Department. It was stated that none had been used, as the marketing information had not been provided.

In discussion with Cllr Keith Horgan, the Major Projects Planning Officer reiterated that marketing information had not been received but had been requested, numerous times.

The Chair invited debate.

Members noted their concern that the pub had not been delivered on the premise of wanting it to be visually in keeping with the shop and other developments. Members raised further concerns with regard to the lack of marketing activity evidence provided.

Cllrs James Lay and Chika Akinwale concurred in thought that the pub was not necessary, as the market had shifted and there was a lack of emphasis on use of pubs amongst younger people.

Cllr John Trapp noted his concern that the issue had become: the shop was undeliverable if the pub was required; this sentiment was shared by Cllr Martin Goodearl who felt the Council was being given an unwelcomed ultimatum.

Cllr Christine Whelan discussed the negative knock-on effect on trade for other pubs in the Ely area, which were already facing pressures in an economic landscape which was increasingly difficult for the hospitality industry to navigate.

Cllr Chika Akinwale left the meeting at 16:05

Cllr Martin Goodearl proposed refusal of this application on the grounds set out in the Officer's report. Seconded by Cllr John Trapp.

It was resolved with 2 votes in favour, 10 votes against and 0 abstentions that the Motion to refuse on the grounds set out in the Officers report failed.

Cllr Bill Hunt proposed that Members approved this application on the grounds that due to changes in market circumstances, sufficient justification had been received to mitigate the loss of community facilities in line with Policy COM3 of the Local Plan 2023 (as amended). Permission for the finalisation of conditions delegated to the Strategic Planning Manager; and completion of the Deed of Variation delegated to the Strategic Planning Manager and Director Legal. Seconded by Cllr Christine Ambrose Smith.

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

That planning application ref 24/00510/VARM be APPROVED on the grounds that due to changes in market circumstances, sufficient justification had been received to mitigate the loss of community facilities in line with Policy COM3 of the East Cambridgeshire Local Plan 2023 (as amended); in addition, the delegation of finalisation of conditions to the Strategic Planning and DM Manager and delegation of the negotiation and completion of a Deed of Variation to the s106 Agreement to the Strategic Planning and DM Manager and the Director Legal.

61. Planning performance reports – November 2024

David Morren, Strategic Planning and DM I Manager, presented a report (Z120, previously circulated) summarising the performance of the Planning Department in November 2024.

The Strategic Planning Manager informed Members of the new Committee Report styling to be introduced from February 2024; Members were also informed the government had doubled Planning Application fees, to be in effect from 1st April 2025.

It was resolved unanimously:

That the Planning Performance Report for November 2024 be noted.

The meeting concluded at 16:25pm.

Chair.....

Date.....



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 5 February 2025

Present:

Cllr Chika Akinwale
Cllr Christine Ambrose Smith
Cllr David Brown (Vice Chair)
Cllr Lavinia Edwards
Cllr Martin Goodearl
Cllr Keith Horgan
Cllr Bill Hunt (Chair)
Cllr James Lay
Cllr John Trapp
Cllr Ross Trent
Cllr Gareth Wilson

Officers:

Patrick Adams – Senior Democratic Services Officer
Harmeet Minhas – Senior Planning Officer
Dan Smith – Planning Team Leader
Angela Tyrrell – Senior Legal Assistant

In attendance:

Steve Ripley - Applicant

One other member of the public

ECDC Comms

62. Apologies and substitutions

Apologies for absence were received from Cllr Alan Sharp and Cllr Christine Whelan.

Cllr Keith Horgan was attending as a substitute for Cllr Sharp.

63. Declarations of interest

None

64. Minutes

It was noted that the Minutes of the meeting held on 15th January 2025 would be received at the next meeting on 5th March 2025.

65. Chair's announcements

The Chair announced that

- Due to unforeseen circumstances, this meeting would not be livestreamed.
- In the future, planning reasons should be provided for any call-ins for a decision, to ensure that they are considered by this Committee.

66. 24/00373/FUM – Land North of Padro House, Cambridge Road, Stretham, Cambridgeshire

Harmmeet Minhas, Senior Planning Officer, presented a report (Z133, previously circulated) recommending approval for the construction of a new Anaerobic Digestion Plant on land north of Padro House on Cambridge Road, Stretham.

The Senior Planning Officer provided an overview of the proposal and showed associated photographs and site plans.

The Chair invited Members to ask questions to the applicant Steve Ridley.

Councillor Martin Goodearl asked how many Heavy Goods Vehicles currently served the site and how waste would be disposed of. Steve Ridley replied that currently 15-30 Heavy Goods Vehicles visited the site, which would increase by 8 to 12 visits if the application was approved. He explained that there was no waste as the by-products were all collected and resold.

Councillor James Lay expressed concern regarding the lack of screening on the west of the site. Steve Ripley explained that additional trees would be planted and replaced if necessary. This not only provided screening of the site, it was also good for security.

Councillor Christine Ambrose Smith asked how much odour would be given off by the plant. Steve Ridley replied that the work on the site was a sealed process and that odour management checks would be carried out regularly.

Councillor John Trapp asked how straw bales would be moved onto the site. Steve Ridley replied that the straw bales would be transported using a sealed trailer. Some straw would be transported from Mepal.

Councillor Gareth Wilson asked for assurances that Heavy Goods Vehicles would not be driving through the villages of Wilburton and Haddenham whilst driving to and from the site. Steve Ridley explained that the vehicles would remain on the A10 which was more fuel efficient and safer. Drivers who went through one of the surrounding villages could expect to be reprimanded.

Councillor Chika Akinwale asked whether there would be any impact on the foul water drainage. Steve Ridley explained that there would be no impact on the foul water drainage, as the site was not connected to the system and had a separate septic tank.

Councillor Keith Horgan asked if the slip road of the A10 was privately owned. Steve Ridley replied that he believed that the road was publicly owned, although his company was prepared to repair the pot holes, as they had done this in the past. The Chair, Councillor Bill Hunt, asked about road marking. Steve Ridley replied that he was prepared to engage a company which could carry out this work to Highways standard.

Councillor John Trapp expressed concern that vehicles leaving the site would have to cross a busy lane of traffic if they wished to go north. Steve Ridley replied that vehicles currently left the site and travelled north and south without difficulty.

The Chair thanked Steve Ripley for his replies and welcomed comments from officers.

Councillor James Lay asked if an additional roundabout could be considered. Dan Smith, Planning Team Leader, advised that the Local Highways Authority considered the junction to be safe and that it was unlikely that a roundabout would be installed for such a limited increase in traffic.

Councillor John Trapp reported that on the aerial view plan, two of the towers looked larger than the four others, whilst the elevation view appeared to show no difference in size. It was agreed that whilst this matter should be investigated after the meeting, it made no material difference to the assessment of the application and if approval was given, officers would ensure any errors on plans were corrected before issuing a permission.

The Chair invited debate.

Councillor James Lay suggested that the application was essentially an extension of the existing site and so he supported the recommendation in the report to approve it.

Councillor Keith Horgan expressed his support for the application, as the site appeared to be well run and would be monitored by the Environment Agency.

Councillor Gareth Wilson stated that having received assurance from the applicant that delivery vehicles would not be driving through the surrounding villages, he would be supporting the application.

Councillor David Brown, Vice Chair, stated that he was reluctant to support an application that could add traffic to the surrounding villages' roads, as the number of complaints he received from villagers indicated that this was a growing problem.

Councillor John Trapp supported the application in principle, but he expressed concern about the increase in traffic and suggested that it would be preferable to have a number of smaller sites instead of one big site.

The Chair expressed his support for the application. He felt reassured by the applicant's guarantee that delivery vehicles would not be driving through the villages of Stretham, Wilburton and Haddenham and that work on drawing white lines on the junction would commence before construction work started.

Following up on an earlier question, Harmeet Minhas, Senior Planning Officer, confirmed that it was condition 4 regarding contamination that had been requested by the Environment Agency. He noted that in the light of the Committee's comments, condition 13 would be reworded so that it required that the highway be marked prior to any construction. It was also noted that conditions 18 and 19 had been added, as detailed in the published Update Sheet and that condition 13 had been amended to remove the words "and vehicle tracking".

Councillor Christine Ambrose proposed and Councillor Chika Akinwale seconded the recommendation in the report, as amended. A vote was taken and

It was resolved with 10 votes in favour, 0 votes against and 1 abstention:

That planning application ref 24/00373/FUM be **Approved**, subject to the conditions recommended in the report Z133 and the Update Sheet, with a further amendment to condition 13 that the road remarking will take place before the commencement of the development.

67. Planning performance reports – December 2024

Dan Smith, Planning Team Leader, presented a report (Z134, previously circulated) summarising the performance of the Planning Department in December 2024.

The Planning Team Leader amended the numbers in the "Determined on time (%)" row for Minor from 89% to 94% and for DIS/NMA from 31% to 69%. Two valid appeals had been received, not four. The number of determinations should be 120 and not 128.

Performance on validations had dipped slightly in December due to the Christmas holidays, with 83% of applications being validated within 5 working days compared to an internal target of 85%. This had now improved.

The Planning Team Leader explained that an application on Northfield Road, Soham had been appealed, a hearing had taken place on 14th January and the Inspector's decision had now been received. Whilst the inspector had

quashed the enforcement notice and allowed the appeal, the result had been the issuing of a new permission with a new condition being added to the property that restricted it to rural workers. The inspector had agreed with the Council that that the site was not in a sustainable location for new market housing and that the marketing, which was a key requirement of the relevant policy, had not been carried out. Officers were satisfied with this outcome, although statistically it would go down as a loss.

The Planning Team Leader reported that Technical Support Officer, Wendy Hislop had retired in January after 25 years of service and Service Development and Technical Support Team Leader, Lucy Flintham, had left the department after 16 years and had moved to the role of Community Infrastructure Manager in the Community directorate. Both officers would be much missed and had made significant contributions to the high performance of the Technical Support Team which was recently described in an external review as being “a support team that would be the envy of most Planning Services in the country”. The Planning Team Leader thanked both Wendy and Lucy for their long service and hard work in establishing a support team with an excellent reputation. The Chair thanked the officers for their long service and contribution to the department.

In response to a query from Cllr Keith Horgan, the Planning Team Leader explained that the nationally set timescales for determining applications varied, usually being either 8 or 13 weeks. Extensions of time were used in order to allow applicants to bring their applications up to an acceptable standard in line with the Council’s negotiation protocol. Some applications remained undetermined for a long period of time. Cllr Keith Horgan asked whether additional information could be provided on the performance report, for example, how many applications remained undetermined after six months and how many after a year. The Planning Team Leader agreed to discuss this matter with the Strategic Planning and Development Management Manager.

It was resolved unanimously:

That the Planning Performance Report for December 2024 be noted.

The meeting concluded at 15:20pm.

Chair.....

Date.....

24/01242/FUL

12 Swaffham Road

Burwell

Cambridgeshire

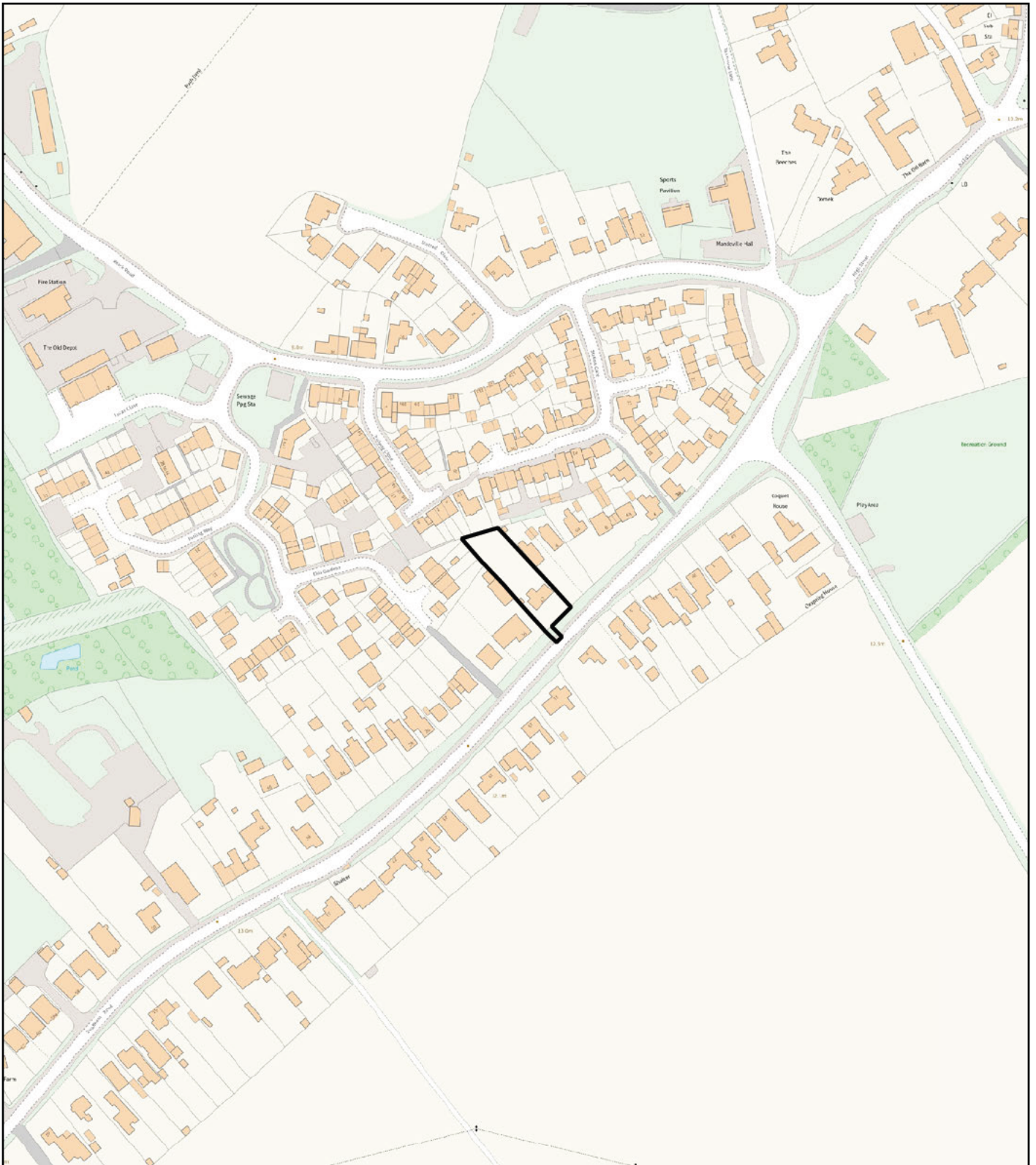
CB25 0AN

Erection of a 3 bedroom detached bungalow and associated works

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

<https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?keyVal=SNM7CLGGXL00&activeTab=summary>





24/01242/FUL

12 Swaffham Road
Burwell

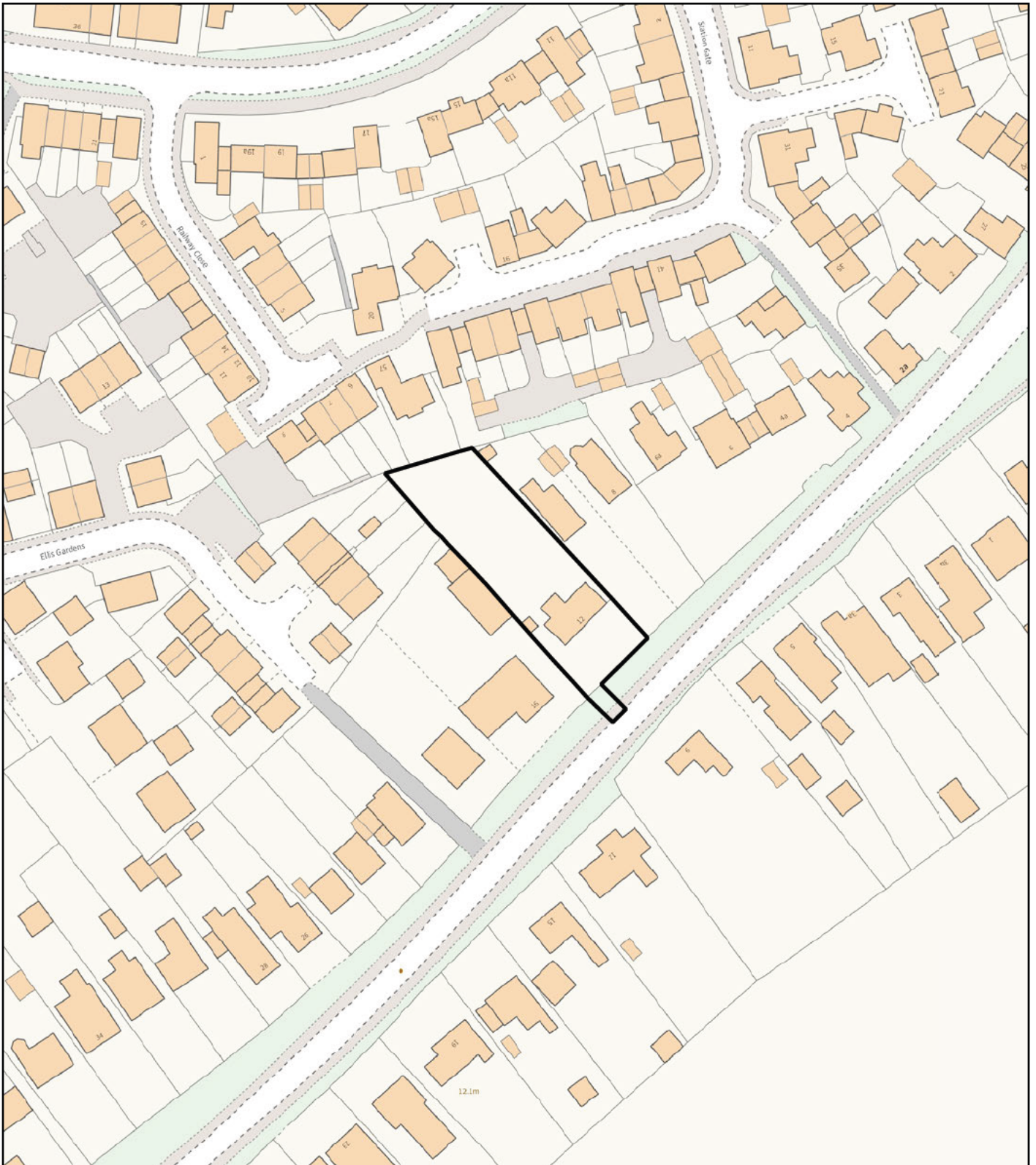


East Cambridgeshire
District Council

Date: 25/02/2025
Scale: 1:3,000



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24/01242/FUL

12 Swaffham Road
Burwell



East Cambridgeshire
District Council

Date: 25/02/2025
Scale: 1:1,250



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Title: 24/01242/FUL

Committee: Planning Committee

Date: 5 March 2025

Author: Planning Officer

Report No: Z140

Contact Officer: Rachael Forbes, Planning Officer
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01353 616300
Room No 011 The Grange Ely

Site Address: 12 Swaffham Road Burwell Cambridge CB25 0AN

Proposal: Erection of a 3 bedroom detached bungalow and associated works

Applicant: Mr & Mrs M L Smith

Parish: Burwell

Ward: Burwell

Ward Councillor/s: David Brown
Lavinia Edwards

Date Received: 9 December 2024

Expiry Date: 12 March 2025

1.0 RECOMMENDATION

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

The proposal would result in the introduction of built form in a location which runs contrary to the prevailing linear character of residential development in this part of the settlement. The proposal would result in an incongruous form of development which would harm the settlement pattern of the area. Furthermore, the proposal by virtue of its siting and scale would represent overdevelopment. The proposal is contrary to Policies ENV1, ENV2 and HOU 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023), Chapter 12 of the National Planning Policy Framework, Design Guide SPD, and National Design Guide

1.2 The application is being heard by committee because it was called in by Councillor Edwards for the following reason:

- 1.3 *'Some Members thought that the previous application would be an over development of the site the applicant has now reduced this application down to one dwelling and this time there is no objection from the immediate neighbour.'*

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks planning permission for the erection of a three-bedroom detached bungalow. The proposal would include the demolition of the existing single garage to create a new driveway. The proposed layout includes two parking spaces for the proposed dwelling and the retention of two parking spaces for the host dwelling. The landscaping proposed includes the planting of trees, shrubs and hedgerow across the site.
- 2.2 The only amendments to the application since its submission have been minor changes to the ecology and trees information.
- 2.3 An application for two dwellings in this location was refused by Planning Committee in November 2024 for the following reason:

The proposal would result in the introduction of built form in a location which runs contrary to the prevailing linear character of residential development in this part of the settlement. The proposal would result in an incongruous form of development which would harm the settlement pattern of the area. Furthermore, the proposal by virtue of its siting and scale would represent overdevelopment." The proposal is contrary to Policies ENV1, ENV2 and HOU 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023), Chapter 12 of the National Planning Policy Framework, Design Guide SPD, and National Design Guide.

- 2.4 An appeal has been submitted in relation to the refusal of the above application and is currently under consideration by the Planning Inspectorate.
- 2.5 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link [Simple Search](#).

3.0 PLANNING HISTORY

- 3.1 **24/00366/FUL**
Demolition of single garage, construction of two semi detached bungalows and associated works
Refused
13 November 2024

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises of an existing residential garden for No.12 Swaffham Road. The site is predominantly amenity grass land with trees, hedgerows and shrubs along the side and rear boundaries.

- 4.2 There is an existing driveway with access from Swaffham Road, and parking for the host dwelling at No.12 on the existing driveway. The existing front garden to No.12 is also used for the parking of vehicles for this existing dwelling.
- 4.3 There is an existing single garage to the rear of the driveway located next to the existing Leylandii Tree within the neighbouring boundary.
- 4.4 To the northeastern boundary, the bungalow dwelling of No.10 Swaffham Road abuts the boundary fence, and to the southwestern boundary the garage and large leylandii tree to No.14 Swaffham Road.
- 4.5 To the rear of the site are dwellings situated on Station Gate and Railway Close, and large 3 storey dwellings to Ellis Gardens abutting the northwestern corner of the development site.

5.0 RESPONSES FROM CONSULTEES

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

East Cambs Ecologist – 14 January 2025

- No protected species or habitats onsite and no impact to locally designated sites reported
- Conditions requested to follow precautionary working measures as detailed in the Preliminary Ecological Assessment (PEA), to secure biodiversity enhancements and for a scheme for hedgehog recovery
- In respect of Biodiversity Net Gain, the Senior Ecologist supports the baseline habitat and agrees that offsite provision of units is ecologically the best option for this site.

Environmental Health - 2 January 2025

- Requests that a condition requiring a contamination investigation be undertaken due to the proposed used being classed as vulnerable to the presence of contamination and a condition for the reporting of unexpected contamination
- Advises that construction times and deliveries are restricted to 07:30 - 18:00 each day Monday – Friday, 07:30 - 13:00 on Saturdays and none on Sundays or Bank Holidays
- Requests a condition that if it is necessary to undertake ground piling that a method statement is produced and agreed in writing with the Local Planning Authority (LPA) before works take place.

CCC Growth & Development - No Comments Received

Parish - 15 January 2025

- Burwell Parish Council has no objections to this application.

Ward Councillors - No Comments Received

Environmental Health - 16 January 2025

- Advises that the applicant will need to supply an appropriate contamination assessment with the application.

Cambridgeshire Archaeology - 12 December 2024

- Advise that the development lies in an area of high archaeological potential.
- Have requested a condition for a programme of archaeological works prior to the commencement of development.

Local Highways Authority - 23 December 2024

- No objections in principle to the proposed development
- The LHA have requested conditions that no gates, walls or fences are erected across the access and that the access be a width of 5m for a minimum distance of 8m.

ECDC Trees Team - 23 January 2025

- Raised that the site plans were inconsistent as to what was being retained/removed and therefore it was not possible to assess the impacts on trees with any certainty. The drawings were amended to show which trees are being removed and retained and the Trees Officer has no further objections.

Waste Strategy (ECDC) - 17 January 2025

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

The Ely Group Of Internal Drainage Board - 17 December 2024

- The Board has no comment to make from a drainage point of view.

Cambs Wildlife Trust - No Comments Received

Cadent Gas Ltd - 16 December 2024

- No objection in principle to the proposal from a planning perspective.

- 5.2 A site notice was displayed near the site on 19 December 2024.
- 5.3 Neighbours – eleven neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council’s website.
- Significant loss of light and overshadowing
 - Overdevelopment
 - Lack of privacy for the proposed dwelling
 - Significant noise and disruption during the building process
 - Location of bungalows do not align with a likely buyer
 - Very similar applications have been refused
 - Impact to trees
 - Impact of development to biodiversity
 - Large conifer trees to the rear of the site should be removed
 - Permitted development rights should be removed to prevent extensions and conversion of the roof space.

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015 (as amended 2023)

| | |
|----------|--|
| GROWTH 2 | Locational strategy |
| GROWTH 3 | Infrastructure requirements |
| GROWTH 5 | Presumption in favour of sustainable development |
| HOU 2 | Housing density |
| ENV 1 | Landscape and settlement character |
| ENV 2 | Design |
| ENV 4 | Energy and water efficiency and renewable energy in construction |
| ENV 7 | Biodiversity and geology |
| ENV 8 | Flood risk |
| ENV 9 | Pollution |
| COM 7 | Transport impact |
| COM 8 | Parking provision |

6.2 Supplementary Planning Documents

- Developer Contributions and Planning Obligations
- Design Guide
- Flood and Water
- Natural Environment SPD
- Climate Change SPD

6.3 National Planning Policy Framework (December 2024)

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport

- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

6.4 Planning Practice Guidance

7.0 PLANNING MATERIAL CONSIDERATIONS AND COMMENTS

7.1 Principle of Development

7.2 The application site lies entirely within the development envelope for Burwell, where Policy GROWTH 2 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023) applies. This seeks to permit development within the policy defined development envelope, provided there is no significant adverse effect on the character and appearance of the area, and that all other material planning considerations and relevant Local Plan Policies are satisfied.

7.3 An application for two dwellings in this location was refused by Planning Committee in November 2024 for the following reason:

The proposal would result in the introduction of built form in a location which runs contrary to the prevailing linear character of residential development in this part of the settlement. The proposal would result in an incongruous form of development which would harm the settlement pattern of the area. Furthermore, the proposal by virtue of its siting and scale would represent overdevelopment. The proposal is contrary to Policies ENV1, ENV2 and HOU 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023), Chapter 12 of the National Planning Policy Framework, Design Guide SPD, and National Design Guide.

7.4 While the current application has reduced the quantum of development from two dwellings to one, it does not overcome the above reason for refusal. The proposal would still result in the introduction of built form in a location which runs contrary to the prevailing linear character of residential development and would still result in an incongruous form of development which would harm the settlement pattern of the area. While the reduction in the number of dwellings reduces the scale of built form proposed, the introduction of a dwelling in this location goes against the character of development and therefore is still considered to represent overdevelopment.

7.5 The previous refusal forms a material consideration in the determination of the application and for the application to be approved, it would need to have overcome the previous reason for refusal. As set out above, it is considered that the application has not done that and therefore is again recommended for refusal.

7.6 Visual Amenity

7.7 Policy ENV1 and ENV2 of the ECLP requires that all development proposals are designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. Additionally, Policy ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) makes it clear that all new development proposals will be expected

to respect the density and character of the surrounding area, whilst ensuring that the location, layout, scale, form, massing, materials and colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right.

- 7.8 The proposal comprises back-land development by virtue of its location to the rear of No.12 Swaffham Road. This in-depth arrangement is clearly at odds with the single-depth, frontage character of the area in this locality. This has been established by the very recent refusal of two dwellings at this site (24/00366/FUL). In addition, application 23/00973/FUL at 58 Swaffham Road has recently been refused, with a subsequent dismissed appeal. The application at 58 Swaffham Road is located approximately 14 dwellings to the south of the site. It proposed two dwellings to the rear of the host dwelling and was refused on the basis that it was contrary to the prevailing development pattern of Swaffham Road.
- 7.9 The proposed development does not take into account the existing character of the locality and intensifies the density of development from the levels in the surrounding locality. However, the development does accommodate private amenity space and adequate levels of parking. The provisions of residential amenity appear to be acceptable and are discussed in the following section.
- 7.10 There will be clear views of the backland development from the driveway of No. 8 and 10 Swaffham Road, where the massing of the development will be clear. It is considered from this viewpoint that there would be insufficient opportunities to effectively screen the development and would identify a clear failure to accord with the character and appearance of the locality. In addition, landscaping should not be relied upon to screen inappropriate development.
- 7.11 The proposed dwelling is of a simple design with regards to the form and appearance. The proposed materials have included within the application form and utilise red fairfaced brickwork and render panels and a natural slate roof. The overall material palette for Burwell is mixed, however Swaffham Road has a more cohesive appearance. The use of light or red bricks with render and cladding is the presiding appearance. The proposed dwelling would seek to use materials in keeping with that of Swaffham Road, and therefore, Officers would consider the choice of materials to be in accordance with Policies ENV 1 and ENV 2 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023).
- 7.12 It is considered that the in-depth form of development would cause harm to the character and appearance of the area, in respect of the failure to accord with the pattern of development in this location, contrary to Local Plan policies ENV 1 and ENV 2 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023).
- 7.13 **Residential Amenity**
- 7.14 Policy ENV 2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Paragraph 135(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.

- 7.15 The dwelling is single storey and would be arranged to afford future occupiers with sufficient private amenity space, on-site manoeuvrability and without exposure to any adverse overshadowing or overbearing impacts. There may be some element of overlooking perceivable from the two-three storey dwellings set back from the rear of the site, however, these are considered to be above and beyond the suitable back to back distances as required in the Design Guide SPD, and therefore, is considered to have limited impact on the residential amenity of the proposed dwelling.
- 7.16 There has been concern raised that the proposal would result in significant loss of light and overshadowing to 27 Ellis Gardens. The proposed dwelling is set away from the boundary with 27 Ellis Gardens and is single storey which would reduce any impact. If there were to be any overshadowing impact it would be to the rear of the garden and only while the sun is in the east in the morning.
- 7.17 Concerns have been raised by neighbours about the noise and disturbance during the construction phase. The Council's Environmental Health Officer has requested a condition which would secure the hours in which construction could take place. It is considered that this would assist in protecting the amenity of neighbouring dwellings.
- 7.18 There has also been comments received that permitted development rights should be removed in respect of extensions and converting the roof space to protect residential amenity. It is considered that it would not be reasonable to condition the removal of permitted development rights in relation to extensions, however, it would be reasonable to restrict permitted development rights in relation to additions to the roof.
- 7.19 The proposal is therefore considered to accord with the aims of Policy ENV 2 in this regard.
- 7.20 Highway Safety and Parking**
- 7.21 Policy COM7 of the Local Plan seeks to ensure that new development is designed to reduce the need to travel, especially using private motor vehicles. This means new development should be focused within settlement where there is a choice of means of transport. It should also be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character and appearance of the locality.
- 7.22 Policy COM 8 of the East Cambridgeshire Local Plan 2015 (as amended 2023) requires development proposals to provide adequate levels of car and cycle parking and make provision for parking broadly in accordance with the Councils parking standards.
- 7.23 The Local Highway Authority (LHA) have commented that it has no objection to the proposal in principle and has requested conditions for conditions that no gates, walls or fences are erected across the access and that the access be a width of 5m for a minimum distance of 8m.

- 7.24 The proposal provides two parking spaces for the proposed dwelling and maintains the provision of two parking spaces for the host dwelling to the front. The provision of parking for vehicles is therefore in accordance with Policy COM 8 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023).
- 7.25 The planning statement sets out that cycle storage can be provided for in the rear garden, however this does not appear to be shown on the plans. However, Officers consider that it would be reasonable to apply a condition to any approval for the submission of details relating to cycle storage.
- 7.26 **Trees, Biodiversity and Ecology**
- 7.27 Policy ENV1 of the ECLP requires proposals to protect, conserve and enhance traditional landscape features and the unspoilt nature and tranquillity of the area. Policy ENV 7 of the ECLP seeks to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds. The Natural Environment SPD Policy SPD NE6 also requires that all new development proposals should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 7.28 It is now mandatory to achieve 10% Biodiversity Net Gain (BNG) unless exempt. This application is not exempt.
- 7.29 The Council's Senior Ecologist has commented in respect of ecology that the submitted concludes that there are no protected species or habitats onsite and no impact to locally designated sites. She has requested that conditions are imposed to follow the precautionary working measures detailed in the Preliminary Ecological Assessment (PEA) and to secure the biodiversity enhancements set out in paragraph 4.18 of the same report and the soft landscaping scheme. She has also requested a scheme for Hedgehog recovery.
- 7.30 In respect of Biodiversity Net Gain, the Senior Ecologist supports the baseline habitat and agrees that offsite provision of units is ecologically the best option for this site. The purchase of Other Neutral Grassland units as compensation from a biodiversity gain site within East Cambridgeshire or the East Anglian Chalk National Characteristic Area of the value of 0.805 units would be acceptable and details of this would need to be submitted with the Biodiversity Net Gain plan post decision.
- 7.31 There has been concern raised that the proposed development would have an impact to bat habitats. The PEA has concluded that there is a low number of potential roosting features on site in respect of buildings and that the trees show no suitability for roosting bats. However, the trees on site are remaining and the ecological enhancements include a bat box to be erected on the dwelling.
- 7.32 The Trees Officer raised concerns that the plans were inconsistent as to which trees were being retained and which are being removed. The plans have been amended to clarify this and the Trees Officer raised no further objection to the proposal.
- 7.33 There has been concern raised that if the tree labelled T3 is not removed, it would cause a significant loss of light to the plot and that the alteration of the driveway

would impact the root protection zone of T6. The Trees Officer has not raised an objection or concern with either of these elements.

7.34 Comments have also been received from the neighbour at 57 Station Gate that they object to the conifer trees along the rear boundary remaining and ask that they should be removed and in addition, that any additional planting should be conditioned to a maximum height of 3-4m. Officers cannot force applicants to remove trees as part of a planning application. The replacement tree planting proposed, as detailed on the soft landscaping plan states that the sizes are between 3-3.5m (9.8-11.4ft). It is considered that conditioning the height of the soft landscaping would not be reasonable or necessary.

7.35 The proposal is therefore considered to comply with Policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan, 2015 (as amended) and the Natural Environment SPD.

7.36 **Flood Risk and Drainage**

7.37 Policy ENV 8 requires all developments and re-developments to contribute to an overall flood risk reduction. The site is located in Flood Zone 1 where the principle of development is considered acceptable in terms of Flood Risk. A condition for the submission of details relating to foul and surface water drainage could be applied to this application, however, officers do not consider it necessary as this element would be dealt with under a Building Regulations application.

7.38 **Climate Change and Sustainability**

7.39 Local Plan Policy ENV4 states: 'All proposals for new development should aim for reduced or zero carbon development in accordance with the zero-carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable' and 'Applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction.'

7.40 The adopted Climate Change SPD and Chapter 14 of the NPPF encourages all development to include sustainability measures within their proposal. No specific measures have been put forward as part of the application. While this does weigh against the application, it would not form a reason for refusal on its own merit due to the minor scale and nature of the proposed development.

7.41 **Other Material Matters**

7.42 Cambridgeshire Archaeology have commented on the application and noted that the application site is in an area of high archaeological potential. Whilst no objection has been made to the proposal, a condition has been requested that the site should be subject to a programme of archaeological investigation. This would be secured through the inclusion of a pre-commencement condition were the application to be permitted in accordance with Local Plan policy ENV 14.

7.43 The Council's Scientific Officer has recommended that a site investigation be carried out due to the sensitive end use of the site (residential). However, officers

consider that given that the site is currently garden land, that the risk of contamination would be low. Were the application being approved a condition could be imposed that if any unexpected contamination is found that it is reported to the Local Planning Authority.

7.44 Comments have been received that the location of the bungalow does not align with a likely buyer. This is not a material planning consideration.

7.45 **Human Rights Act**

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

7.46 **Equalities and Diversities**

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

7.47 Planning Balance

7.48 The application site is located within the development envelope for Burwell.

7.49 The application is considered acceptable in respect of residential amenity, highway safety and parking, ecology and trees and flood risk and drainage.

7.50 However, the proposal would result in the introduction of built form in a location which runs contrary to the prevailing linear character of residential development in this part of the settlement and would result in an incongruous form of development which would harm the settlement pattern of the area.

7.51 Furthermore, the proposal by virtue of its siting and scale would represent overdevelopment.

7.52 In addition, the application has not overcome the recent refusal of 24/00366/FUL, which forms a material consideration in the determination of this application and holds significant weight.

7.53 The proposal is contrary to Policies ENV 1, ENV 2, HOU 2 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023), Design Guide SPD, National Design Guide and the National Planning Policy Framework.

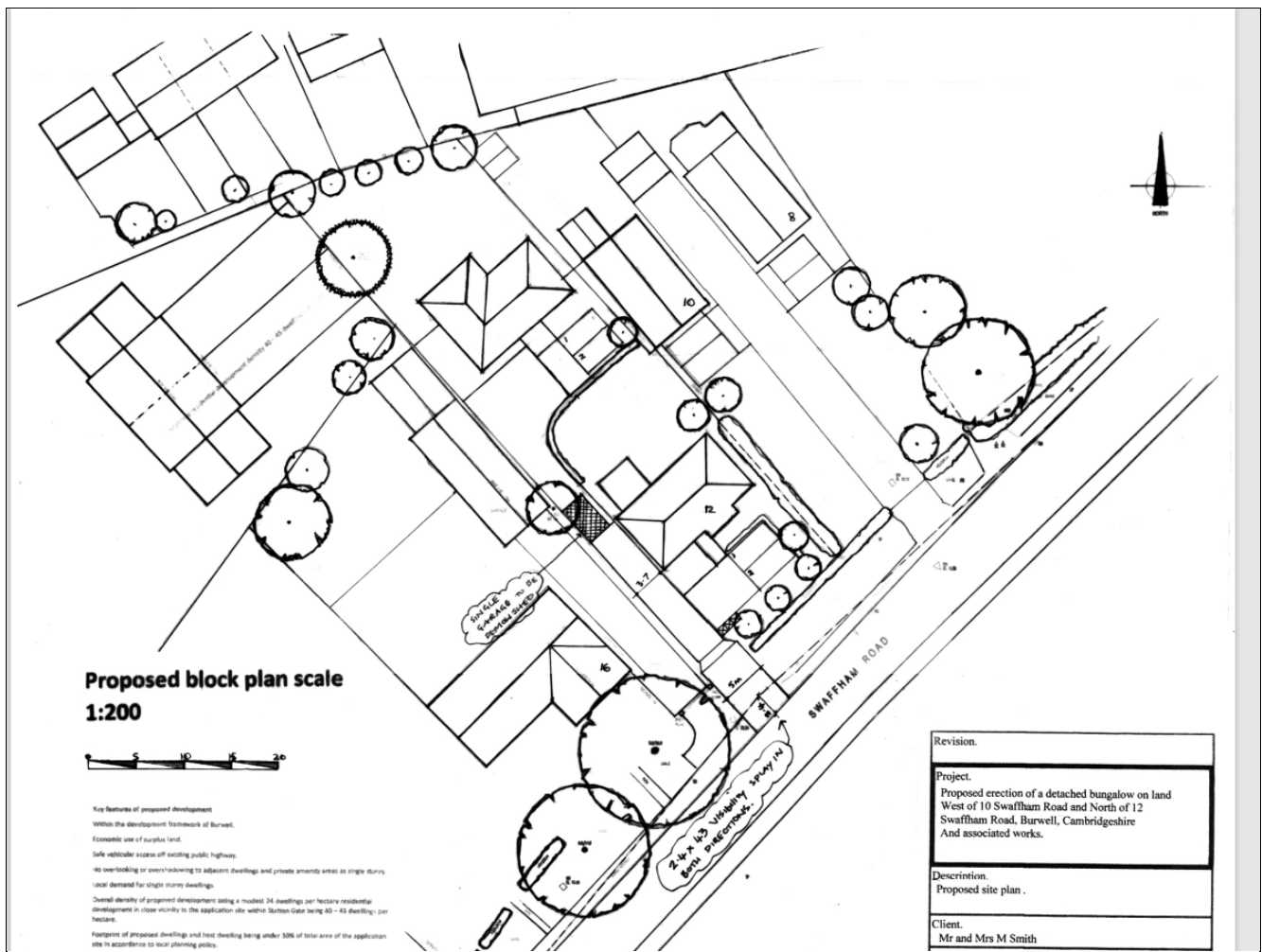
7.54 Members are therefore recommended to refuse the application.

8 APPENDICES

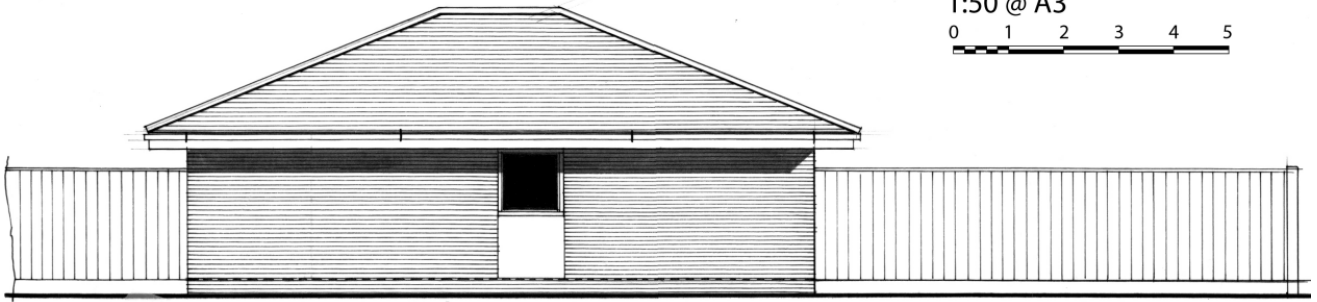
24/00366/FUL Decision Notice

PLANS

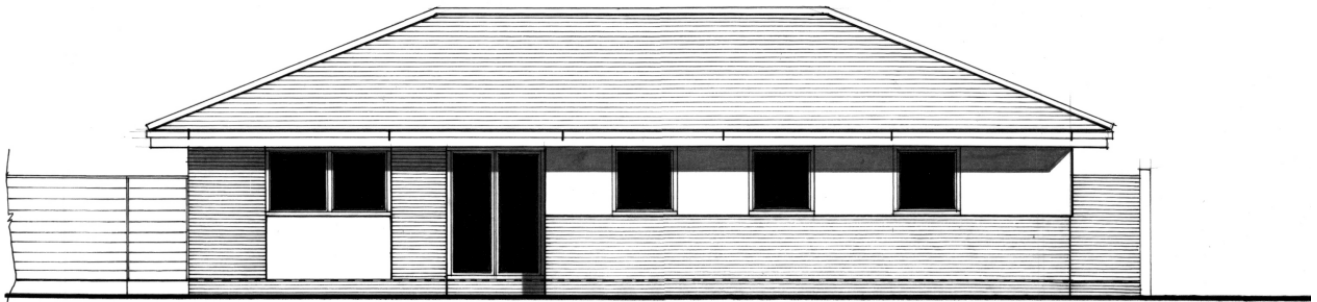
The following plans are a selection of those submitted as part of the application and are provided to illustrate the proposed development. They may not be to scale. The full suite of plans can be found on the Council's website.



1:50 @ A3
0 1 2 3 4 5



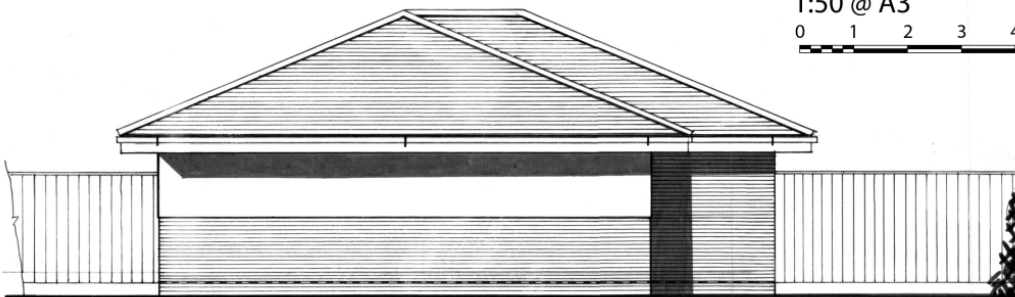
Proposed Western Elevation.



Proposed Southern Elevation.

**Proposed bungalow drawing
number P – 5051 – 03**

1:50 @ A3
0 1 2 3 4 5



Proposed Eastern Elevation.



Proposed Northern Elevation.

**Proposed bungalow drawing
number P – 5051 – 04**



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE

Telephone: Ely (01353) 665555

www.eastcambs.gov.uk

Mr & Mrs M Smith
C/O The Clarke Smith Partnership
FAO Mr Mike Smith
16 Mill Lane
Burwell
Cambridgeshire
CB25 0HJ

This matter is being dealt with by:

Charlotte Sage

Telephone: 01353 616353

E-mail: Charlotte.Sage@eastcambs.gov.uk

My Ref: 24/00366/FUL

Your ref

13th November 2024

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

The Council hereby **refuses** the following:

Proposal: Demolition of single garage, construction of two semi detached bungalows and associated works
Location: 12 Swaffham Road Burwell Cambridge CB25 0AN
Applicant: Mr & Mrs M Smith

The Council hereby refuses permission for the application reference **24/00366/FUL** registered 17th June 2024.

REASONS FOR REFUSAL

- 1 The proposal would result in the introduction of built form in a location which runs contrary to the prevailing linear character of residential development in this part of the settlement. The proposal would result in an incongruous form of development which would harm the settlement pattern of the area. Furthermore, the proposal by virtue of its siting and scale would represent overdevelopment. The proposal is contrary to Policies ENV1, ENV2 and HOU 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023), Chapter 12 of the National Planning Policy Framework, Design Guide SPD, and National Design Guide.

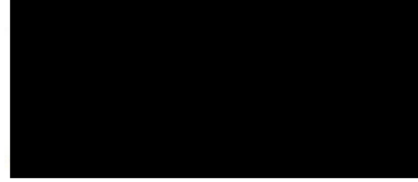
INFORMATIVES RELATING TO THIS APPLICATION



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE
Telephone: Ely (01353) 665555
www.eastcambs.gov.uk

13th November 2024



David Morren MRTPI
Interim Planning Manager

Planning Performance – January 2025

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

All figures include all types of planning applications.

Determinations

| | Total | Major | Minor | Householder | Other | DIS /NMA | Trees | Pre App |
|-------------------------------|------------|--------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|--------------------------------------|------------|
| Determinations | 115 | 2 | 13 | 39 | 12 | 22 | 27 | 12 |
| Determined on time (%) | | 100% (90% within 13 weeks) | 92% (80% within 8 weeks) | 93% (90% within 8 weeks) | 92% (90% within 8 weeks) | 73% (80% within 8 weeks) | 100% (100% within 8 weeks) | n/a |
| Approved | 101 | 2 | 12 | 36 | 9 | 22 | 25 | n/a |
| Refused | 9 | 0 | 1 | 3 | 3 | 0 | 2 | n/a |

Validations – 91% validated within 5 working days (ECDC target is 85%)

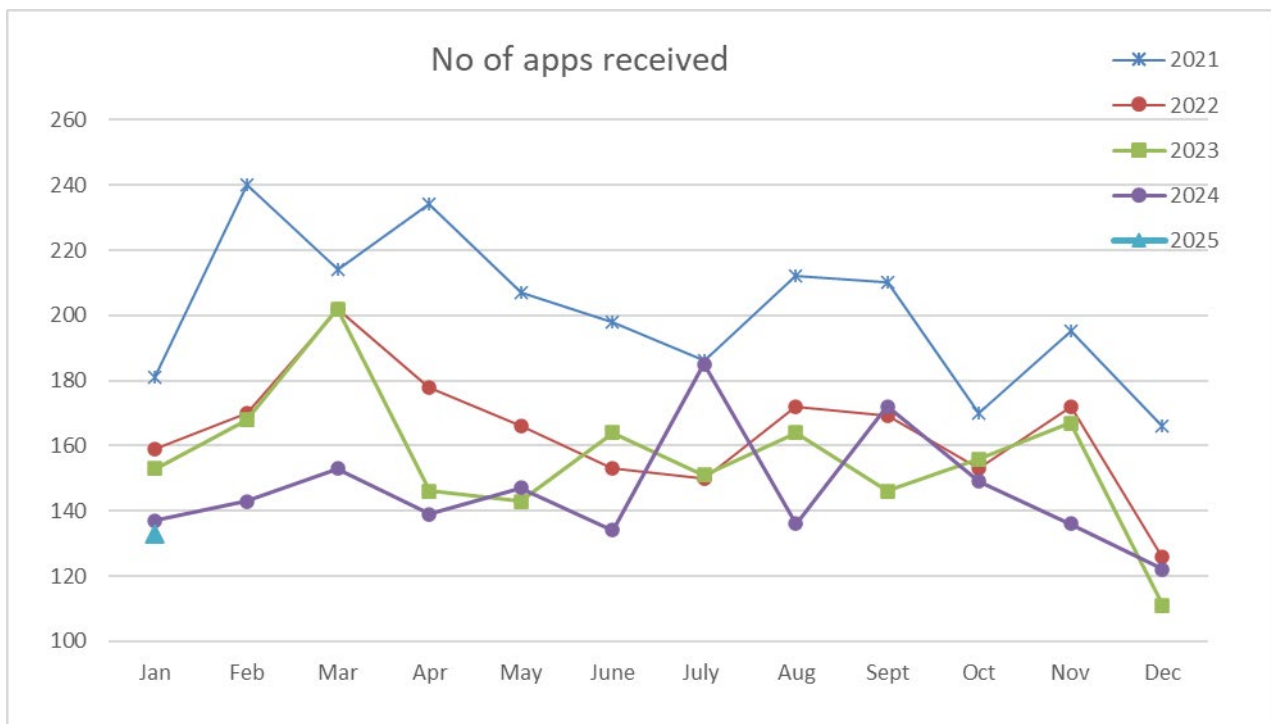
| | Total | Major | Minor | Householder | Other | DIS /NMA | Trees | Pre App |
|--------------------|------------|----------|-----------|-------------|-----------|-----------|-----------|-----------|
| Validations | 126 | 1 | 12 | 37 | 16 | 19 | 31 | 10 |

Open Cases by Team (as at 25/02/2025)

| | Total | Major | Minor | Householder | Other | DIS /NMA | Trees | Pre App |
|---------------------------|------------|-----------|-----------|-------------|-----------|-----------|-----------|-----------|
| Team North (5 FTE) | 204 | 14 | 43 | 30 | 30 | 67 | 0 | 20 |
| Team South (6 FTE) | 152 | 9 | 29 | 25 | 27 | 47 | 0 | 15 |
| No Team (3 FTE) | 34 | 0 | 0 | 0 | 0 | 1 | 32 | 1 |

(No Team includes – Trees Officer and Conservation Officer)

The Planning department received a total of 133 applications during January which is 3% decrease of number received during January 2024 (137) and 9% increase to the number received during December 2024 (122).



Valid Appeals received – 2

| Planning reference | Site Address | Decision Level |
|--------------------|------------------------------------|----------------|
| 24/00744/FUL | Lazy Otter Cambridge Road Stretham | DEL |
| 24/00842/FUL | 108 Centre Drive Newmarket | DEL |

Appeals decided – 3

| Planning reference | Site Address | Decision |
|--------------------|---|----------|
| 24/00293/FUL | 16 Williams Close Ely | ALLOW |
| 24/00300/VAR | Old Tiger Stables House 22A Northfield Road Soham | ALLOW |
| 24/00413/AGN | Hythe Farm Hythe Lane Burwell | DISMISS |

Upcoming Hearing dates – 0

Enforcement

New Complaints registered – 20 (3 Proactive)

Cases closed – 12 (0 Proactive)

Open cases per Officer (2.6fte) – 188 (20 Proactive)/2.6fte = 72 FTE

Notices served – 1

Comparison of Enforcement complaints received during January

| Code | Description | 2024 | 2025 |
|---------------|---|-----------|-----------|
| ADVERT | Reports of unauthorised adverts | 2 | 0 |
| COND | Reports of breaches of planning conditions | 3 | 4 |
| CONSRV | Reports of unauthorised works in a Conservation Area | 2 | 0 |
| DEM | Reports of unauthorised demolition in a Conservation Area | 0 | 0 |
| HEDGE | High Hedge complaints dealt with under the Anti-Social Behaviour Act | 0 | 0 |
| LEGOB | Reports of breaches of Legal Obligation (NEW CODE) | 0 | 0 |
| LISTED | Reports of unauthorised works to a Listed Building | 0 | 1 |
| MON | Compliance Monitoring | 0 | 0 |
| OP | Reports of operational development, such as building or engineering works | 4 | 1 |
| OTHER | Reports of activities that may not constitute development, such as the siting of a mobile home | 0 | 1 |
| PLAN | Reports that a development is not being built in accordance with approved plans | 1 | 2 |
| PRO | Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions | 0 | 3 |
| TRECON | No notice of tree works in a Conservation area | 0 | 1 |
| UNTIDY | Reports of untidy land or buildings harming the visual amenity | 0 | 2 |
| USE | Reports of the change of use of land or buildings | 2 | 5 |
| TOTAL | | 14 | 20 |