



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 6 March 2024**

Present:

Cllr Chika Akinwale
Cllr Christine Ambrose Smith
Cllr David Brown
Cllr Martin Goodearl
Cllr Christine Colbert
Cllr Bill Hunt
Cllr John Trapp
Cllr Christine Whelan
Cllr Gareth Wilson
Cllr Julia Huffer

Officers:

David Morren – Interim Planning Manager
Gavin Taylor – Planning Contractor
Maggie Camp – Director, Legal/Monitoring Officer
Angela Tyrrell – Senior Legal Assistant
Jane Webb – Senior Democratic Services Officer
Hannah Walker – Trainee Democratic Services Officer

In attendance:

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

Others in attendance:

Ian Massey
Azhar Ahmed
Cllr Peter Travers
Cllr Anna Bailey
Pete & Laura Wood
John Brindley
Cllr Lorna Dupre
Cllr Mark Inskip

69. Apologies and substitutions

Apologies for absence were received from Cllr Holtzmann, Cllr Lay and Cllr Edwards.
Cllr Colbert and Cllr Huffer were in attendance as substitutes.

70. Declarations of interest

No declarations of interest were made.

71. Minutes

The Committee received the Minutes of the meeting held on 10 January 2024.

It was resolved unanimously:

That the Minutes of the Planning Committee meeting held on 10 January 2024 be confirmed as a correct record and be signed by the Chair.

72. Chair's announcements

The Chair made the following announcement:

- David Morren was welcomed to the Council as the new Interim Planning Manager.
- Gavin Taylor, Planning Contractor, was leaving the Council on 8th March 2024 - the Chair wished him all the best in his new appointment.
- Gemma Driver was congratulated on her recent promotion to become a Senior Planning Officer within the Planning Department and he wished her success in her new role.

73. 21/01322/FUM – Land South West of 14 to 20 Ely Road, Little Downham

Gavin Taylor, Planning Contractor, presented a report (Y158, previously circulated) recommending approval for the erection of 39 affordable dwellings and associated infrastructure. He also referred to the update letter and further presentation letters that had been circulated to members.

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

The main considerations of the application were deemed to be:

- **Principle of Development** – Policy GROWTH 2 strictly controlled development outside of the defined development envelope to protect the countryside and the setting of towns and villages. Policy HOU 4 supported affordable housing for exception sites subject to local need, accessibility and connectivity, impact of the countryside and settlement character, and affordable housing in perpetuity.
- In terms of local need, the applicant had undertaken a detailed Local Housing Needs Assessment (HNA) which concluded a need for 59 dwellings, the latest housing register indicated that there were 55 persons registered with a local connection to Little Downham.

- In terms of accessibility and connectivity, the site uses the existing established access point, with good road links to the site, and pedestrian connectivity to services and facilities.
- In terms of the impact on the countryside and settlement character, the site would sit immediately adjacent to the development on the northern boundary. The proposed application was similar in scale and appearance to Old Fir Close. Substantial boundary planting would reduce its impact as it transitions into the countryside. Subject to suitable materials and boundary treatments would assimilate well into the built environment. In addition, the legal agreement would secure the affordable housing in perpetuity through the Section 106 Agreement. In principle, the development can be supported through the criteria under HOU4.
- **Access & Highways** – the proposed application would be accessed via an existing access to incorporate footpaths and pedestrian connectivity, the roads would be built to an adoptable standard with no highways objections, the waste collection would be on site, 2 parking spaces per dwelling plus visitor parking, and accorded with the Local Plan policies COM 7 and COM 8.
- **Visual Amenity** – the proposed application accorded with the adjacent development in design and was of appropriate scale, the materials, boundary treatments and final soft landscaping scheme to be agreed. The visual amenity accorded with Local Plan policies ENV 1, ENV 2 and Chapter 12 of the NNPR.
- **Residential Amenity** – the dwellings were positioned with adequate separation distances to avoid overbearing, the window positions avoid overlooking, adequate parking on the site, boundary treatments and security detail required.
- **Flood Risk and Drainage** – The site is at low risk of flooding, the proposal is to attenuate on site, with surface water drainage and any additional volume disposing of the surface water appropriately; the LFA have considered this and are happy with the scheme subject to final detail design, Anglian Water also confirm they have capacity to take foul flows and the IDB would require consent once the discharge rate has been agreed.
- **Ecology** - The Council also has a legal duty to ensure that protected species are managed appropriately. The existing dwelling that is proposed to be demolished does currently incorporate a maternity bat roost in the loft and it is considered that the rehoming of the roost would be necessary; details of this process would need to be agreed through a licensing regime, the strategy proposed has satisfied the Wildlife Trust and Ecology Officer. A TPO tree could become a burden for existing residents, therefore the applicant would be required to provide residents with direct access to a management company for management of the tree.
- **Infrastructure Contributions** – The Section 106 Agreement would include conditions regarding on-site open space with play equipment, off-site open space contributions, education and libraries contributions and secure the affordable housing in perpetuity.

The planning balance considerations were:

- The introduction of 39 affordable dwellings where there was a strong indication of local need.
- The development would include MR(2) standard (accessible and adaptable homes).
- Would not result in significant harm to the character of the countryside or the settlement
- Appropriate Biodiversity mitigation proposed
- Biodiversity enhancement opportunities exist, and net gain on site is achievable.
- No technical concerns, subject to conditions
- Accords with the development plan when taken as a whole
- Constitutes sustainable development subject to S106 and conditions

The application proposals were therefore recommended for approval on this basis.

The Chair thanked the Planning Contractor for his presentation, and invited Ian Massey, an objector, to address the committee.

“I live on Old Fir Close, adjacent to this proposal. I am objecting to this development, because of its size, the infrastructure demands, the highway safety, and location of part of the site being on a low level. Now I understand the need for housing, and I understand the need for the use of brown fill site of which this is part, but the number of houses is not really in keeping with the rest of Little Downham. Old Fir Close is 27, most of the other developments have been less than that, they have been in their 20s, not in the 30s. We have got a foul drainage issue, the houses further down the street are having to fit non-return valves onto their sewage systems because the sewage is backing up into their houses. I’ve just heard another story of exactly the same thing. We have got surface water flooding, it is happening quite frequently, even though it says it isn’t, 13 of these houses are below the 7m finish floor level, so that is the level of your carpet. We know how high the tides are, all the flooding potential there, we have also got a surface pond outlet at 5.8m and your carpet is at 6.5m, so you are quite close at that bottom end of the site. Why do you want to allow on the bottom end of the site for these houses to be built when we have climate change, and they are going to be put at risk. We also have a ground water issue, further up the street on Ely Road, a spring has appeared and the water, when it rains, gushes out of the ground; there is more water appearing on the lower part of the site as well. So again, why are you allowing people to build in these lower-level areas. We have a highways access issue, Old Fir Close highway access if 5m wide, if you are trying to turn into Old Fir Close off the main road, you cannot get in if there is a car trying to come out, that creates a dangerous situation. The new design for this estate, which is only 33m from the other one, is exactly the same type of design and will have exactly the same type of problems. I have discussed this with Highways and there are all sorts of issues, now in theory, Ely Road is a 30mph and I have been out and monitored the speed of those cars and 53% are speeding in excess of 50mph and there are many that are exceeding that by a considerable

amount. So, if you are going to approve any of this, you really need to be putting a condition in to say we need to have some form of traffic calming on that road because somebody is going to get seriously injured there because we have got enough trouble with our estate and another one 33m away and you are really into problems. So in summary, what I would like you to do please, is to look at some way, which you are allowed to do, is to reduce the number of houses on that estate, keep it to the higher level area, improve the highway access by doing some traffic calming and then you will go some way towards meeting your... and I am sure you have all read your Climate and Natural Environment Chapter in your Local Plan, the scoping and draft statement, you will be going some way towards that. So, I am trying to suggest that as a minimum that there is some deferral on this until you have sorted out these issues. Thank you.”

The Chair invited Members to ask questions to Ian Massey.

Cllr Christine Ambrose-Smith clarified that it was the County Council that were responsible for the Highways, speed limits and traffic calming measures and therefore East Cambridgeshire District Council were unable to make requests in this regard.

Cllr Trapp emphasised his concern that neighbouring houses along Ely Road were already affected by flooding. Ian Massey confirmed that other residents on Ely Road stated that the main sewage was not draining, and they had fitted valves in order to prevent the sewage backing up into the properties.

The Chair advised Ian Massey that one of the judgements the committee needed to consider, was whether an application would increase the risk of flooding or make it worse, and expert advice is taken from the Local Flood Authority. Also, the local Parish Council would have the ability to make applications to the County Council for help towards speed restrictions as East Cambridgeshire District Council was not a highways authority.

The Chair invited Azhar Ahmed acting on behalf of the Applicant to address Committee.

“Good afternoon, I am here today on behalf of Accent Housing to express our support for the development of a 39-home Rural Exception site in Little Downham. This project represents a significant opportunity to address the pressing need for affordable housing in our community, and I am pleased to outline the compelling reasons why this proposal deserves your approval. Firstly, I would like to highlight Accent Housing's commitment to excellence in housing provision. As a V1 G1 Rated Housing Association, we have a proven track record of delivering high-quality, sustainable homes that meet the needs of our residents. Currently, we are actively engaged in the construction of 200 affordable homes across East Cambridgeshire, demonstrating our dedication to addressing the housing crisis in this region. Housing associations are not-for-profit organisations set up to provide affordable homes and support local communities. We don't make profits for shareholders. Instead, they invest all the income they make into delivering

on their social purpose. This includes building new affordable homes for people who need them, investing in the safety and quality of existing homes, running community services, and providing care and support for older people and those who need it. For every £1 of government investment, housing associations invest £6 of their own money into the development of new affordable homes. Accent Housing make long-term commitments to all the communities they work in. We also invest in regenerating poor quality homes and work closely with partners like local authorities and residents to create happy, thriving places where people want to live. At present there are 329 households that have expressed Little Downham as a preference to live. The Housing Needs Survey carried out by Cambridgeshire ACRE, a respected independent organisation with a century-long legacy of supporting rural communities, provides clear evidence of the demand for affordable housing in this locality. The Report identified 59 households with a direct local connection and in need of affordable housing, this survey has received endorsement from the East Cambridgeshire District Council, underscoring its credibility and relevance to the planning process. One of the key factors of our developments is our commitment to environmental sustainability. All our homes are designed and constructed to achieve an Energy Performance Certificate (EPC) rating of A, ensuring energy efficiency, and reducing carbon emissions. By prioritising sustainability, we are not only providing comfortable living spaces for our residents but also contributing to the broader goal of combating climate change and addressing the cost-of-living crisis all families are facing. It is important to emphasise that all homes developed on this Rural Exception site will be designated as affordable in perpetuity. This means that they will be made available exclusively to local residents with a genuine connection to the area, as defined in the Section 106 agreement. Furthermore, the selection of residents will be facilitated through nominations by the East Cambridgeshire District Council, ensuring that those most in need of affordable housing are prioritised. The selected contractor of this project will be carried out in collaboration with a local contractor that shares our commitment to social value. Lastly, I am pleased to inform you that this proposal has full support of the Planning Department. Their endorsement underscores the viability and merit of this project within planning policy. In conclusion, the development of a 39-home Rural Exception site in Little Downham represents a unique opportunity to address the acute shortage of affordable housing in our community. With Accent Housing's proven track record, commitment to sustainability, and partnership with local stakeholders, we are confident that this project will not only meet but exceed the expectations of all involved parties. We respectfully urge the Planning Committee to approve this proposal, thereby paving the way for the creation of much-needed homes for local people.”

The Chair invited questions to be asked to Azhar Ahmed.

Cllr Akinwale queried why the concerns from the ECDC trees team were not addressed. Mr Ahmed confirmed that their concerns had been resolved and the mitigations had been discussed.

In response to a further question from Cllr Akinwale, the applicant stated that the play area would be inclusive.

Cllr Trapp approved of the design and central green space but emphasised his concerns regarding the narrow access. Mr Ahmed advised that advice had been taken from their engineer in consultation with Cambridgeshire County Council Highways, who were satisfied that the design and access was appropriate, and they would continue to work together during the construction phase.

In response to a further question from Cllr Trapp, the drainage strategy had been approved by the LFA, the applicant had engaged with the IDB, who will require to see all the technical calculations to ensure that flow rates were acceptable. In addition, Accent Homes had already built 15 affordable homes in Haddenham, 48 affordable homes in Witchford, and 50 affordable homes in Bottisham. All homes were 100% affordable, all non-for-profit and built to EPCA rating.

In response to a question from Cllr Goodearl, Mr Ahmed could not provide details on whether non return valves were fitted on site, but Accent Homes would be guided by their engineers' recommendations.

Cllr Wilson asked how many houses were rented and shared ownership, Mr Ahmed confirmed that 9 houses were shared ownership, and the remaining were affordable rent, capped at local housing allowance. With shared ownership, this included a buy back clause, if ownership was at 100% and the owner wished to sell the property on the open market, it had to be sold back to Accent Homes, who then resell the property as a shared ownership property at 25% therefore the houses remain in shared ownership in perpetuity.

In response to a question from Cllr Trapp, a shared ownership property would be bought back at the current market rate and sold as a shared ownership, from 10% up to 80%, the remaining share is paid by rent. The rent element of shared ownership would be fixed by Homes England, and they would not be able to charge more than 2.75% of the remaining equity.

Cllr Akinwale queried whether the bungalows would have wet rooms, Mr Ahmed advised that Accent Homes engage with East Cambs and occupational therapists 8 months before completion, to enquire if any prospective residents would require a hoist or wider doors, these modifications would then be made before the residents move in.

In response to a question from Cllr Whelan, the parking provision was as per the requirements and visitor spaces would be provided.

The Chair invited Cllr Peter Travers, Little Downham Parish Council, to address the committee.

“I am a member of the Little Downham Parish Council, and the Parish Council has delegated me to represent it at this meeting to voice its objection to this planning application. On behalf of the parishioners of Little Downham, the Parish Council objects to the proposed development for the following reasons. First, the proposed development which our local Councillor informs us will be larger than most other affordable home developments in the county and it disproportionate to the size of our village. Our Parish Councillors are aware that there are already numerous social housing properties within the parish that are empty and available. The Parish Council believes these should be allocated to parishioners in need of homes and that such an inclusive housing strategy, mixing affordable homes with existing households across the Parish would better serve the social cohesiveness of our community. With paragraph 108b of the National Planning Policy Framework (NPPF) in mind, we ask, how would ECDC ensure this proposal if approved, would protect the intrinsic character and beauty of our countryside, and enhance our natural local environment. How would narrowing the gap between Ely and Little Downham for example achieve for this. The second reason is the disproportionate size of the proposed development amounts to overdevelopment, it will lead to excessive pressure on local infrastructure and services that are already stretched almost to the limits of safe operation. The Parish Council is aware that education and medical infrastructure serving the Parish are already difficult to access and do not have the capacity to support such a large-scale development as that proposed. The same applied to the village water treatment facility which cannot cope with additional demand from a development of this size. As we have heard, the existing flood risk from foul water to homes nearby the proposed development would be exacerbated by the additional burden this would create and we ask, how has the applicant demonstrated that water supply and sewage treatment will not be adversely affected by the development. ECDC has committed to ensuring a high quality of life by maintaining and delivering strategic and local infrastructure and facilities needed to support local communities. Our parishioners already suffer flooding, lack of amenities, lack of health care, broken roads, to name but a few. The additional pressures from the proposed development would further reduce their quality of life and we ask, what would ECDC do to ensure the proposed development would have the facilities and infrastructure needed to maintain our parishioners’ quality of life rather than jeopardise it further. Thirdly, our parishioners tell us that the development site is regularly flooded, the Parish Council considers the site unsuitable for the proposed development, which if it were to be approved, would significantly increase the existing flood to local catchwater and storm water drains and ditches. We ask, would ECDC take full responsibility for any future issues if this committee approves this application. Fourthly, the Parish Council is concerned that the addition of about some 80 vehicles from the proposed development to Ely Road traffic will bring significant additional risk. It is clear from informal observations as we have heard, that significantly more than 50% of vehicles trigger the 30mph warning sign on the Ely bound carriageway. The revised design of the proposed development places the Ely Road entrance much closer to the junction of Ely Road and Old Fir Close, the recently completed development by the same applicant. The Parish Council believes that such close

proximity, only 33m, will create an increased risk of traffic accidents for drivers and pedestrians as vehicles turn into or exit from these junctions from or onto Ely Road, especially during the early morning and evening traffic and Councillors are particularly concerned that the pedestrian activity along Ely Road includes many of heightened vulnerability, such as parents and children walking to and from the local village school, those visiting our village hall book café and the village church and other village amenities. We ask, what we ECDC do to ensure that the proposed development would not result in increased numbers of RTAs, injuries, and deaths. We appreciate that highways is not your responsibility, nevertheless, you do carry some responsibility here. With these objections in mind and given the application is an unnecessary exception site application, outside the village plan, the Little Downham Parish Council, on behalf of its local parishioners urges the planning committee to reject this application.”

The Chair invited Members to ask questions to Councillor Peter Travers.

Cllr Goodearl enquired as to the amount of empty social housing that was available in Little Downham. Mr Travers did not know but the Parish Council believed there was adequate to cover all needs.

In response to several questions from Cllr Trapp, Mr Travers explained that there was an on-demand bus service run by Lords for Little Downham, but this did not run daily. The village contained less than 2000 dwellings.

Cllr Ambrose-Smith asked Mr Travers how the social housing was split in the village, Mr Travers explained he was not certain of the layout of the existing social housing within the village, but it was within the village boundary and not an exception site.

The Chair invited Cllr Anna Bailey, Ward Councillor, to address the committee.

“I have a number of points that I wanted to make. I did actually carry out a survey back in 2022, it was a general survey, but it had a very specific question about this site, I had a good return rate and support for this site was mixed, there were slightly more people against it than in favour but there was also a clear need in the survey reporting about the need for affordable homes in the parish. Following that, I took action to pursue the applicant, who I am very pleased to say, were open-minded about supporting a Section 106 Agreement to make sure that they are going to follow a similar allocations policy to those of our Local Community Land Trusts so that people with the strongest ties to the Parish get first dibs on the properties and they have agreed to that which I am very pleased that they have done. So, it will make sure that, if this is granted permission, that local people truly benefit first in perpetuity, so I am pleased about their approach to that. Of course, I welcome affordable housing for the village. I have to agree with the Parish Council view, Councillor Travers voiced it, that I would vastly prefer if this was part of a mixed tenure development, I do feel it is a shame that this did not come forward as a community led development exception site. I

would have preferred to see that, however, that is not what we have got before us. I do note the on-record concerns as Cllr Akinwale said about the Trees Officer not having resolved the issues, noting what Gavin said from the officer perspective but there clearly is outstanding concern from the Trees Officer. Also, of particular concern to local residents, they have been well voiced, is the highways comments, particularly about the design of the access road and I can just report that this is a real problem. The access is virtually a carbon copy of the access into Old Fir Road, the two are very close together and when I turned into Old Fir Close the other day, it is not possible to, even though it says it is in the comments from highways officers, it is not possible for two cars to ease nicely and safely pass each other, so it means that the person trying to turn left into site is waiting on Ely Road, while the person trying to turn right out of the site, comes out of the site and that causes backup and given that the two accesses are now going to be very close, that is an issue, so I do think the junction design does need very careful looking at and would ask for that to be done if this is given permission. I also think there is very careful conditioning needed in relation to the drainage, this is no small matter, there are unresolved significant drainage issues in this location already and what I would like to see is early delivery of the drainage solution if this is given permission, that it comes forward first and not after the event, because I don't want to be spending my time in the future going to have meetings with angry residents who are very concerned about flooding into their properties, no ward councillor wants to see that, we've got an opportunity to fix it before it happens and I would like that to be really well conditioned to see that not happening. However, my final point is one that has not been raised so far and you could have been forgiven for having missed it, because I don't know if you have picked up the fact that this application includes the demolition of the farmhouse which is on the street frontage. This is a farmhouse that I have known all my life, I grew up in Little Downham, I know it like the back of my hand and HOU 4 policy requires that no significant harm would be caused to the character or setting of the settlement in the surrounding countryside, our own policy ENV2 requires that layout form and materials are sympathetic to existing developments and Chapter 12 of the NPPF seeks to secure visually attractive development, which improves the overall quality of an area and is sympathetic to local character and history. So, I am surprised to see no argument or justification of the demolition set out in the covering report from officers. The existing property, whilst it is not architecturally significant or important, it's basically Victorian, perhaps early Edwardian, but very attractive nonetheless, double frontage, substantial property with bay windows and it is a product of its time and it is part of the history of the village, it allows you to read the history of the village. It's entirely capable of renovation and retention and the omission of discussion about this in the covering report to me, is an omission, it is a problem. In my view, the new property, which is as you might expect is more suited to a cul-de-sac estate environment is utterly incongruous and it is damaging to the street scene. I am against demolition of perfectly viable existing housing, its environmentally and historically damaging and in this instance, it is absolutely unnecessary. It could be sold on the open market, the justification that is given in terms of the bats, is that no funding is available to the applicant from Homes England

for the renovation of properties and that is perfectly true, but the property could simply be sold on the open market, it does not need to form part of this application. For me it is contravention of HOU4, ENV2 and Chapter 12 of the NPPF.”

The Chair invited Members to ask questions to Cllr Bailey.

In response to several questions from Cllr Trapp, Cllr Bailey explained that Little Downham needed affordable housing which would attract younger people to the village and allow generational families to live in the same village, and commented that the demolished property could be taken out the plans.

Cllr Goodearl queried whether the existing property had to be removed in order to widen the road, Cllr Bailey stated that the property was set back from the road.

Cllr Hunt asked whether there was demand for 39 affordable homes in Little Downham and the number of properties in the village. Cllr Bailey confirmed the Local Plan showed the total number of properties was 802 but would now likely be around 850, there were 2 long term empty properties, and that there was a housing need with 55 registered with a local connection to Little Downham on the latest housing register.

Following a question from Cllr Hunt, Cllr Bailey confirmed that the affordable rental properties would be allocated to local people on a points basis and therefore they would benefit the local community.

Comments from the Planning Contractor included that the LFA had been consulted and were happy with the site; it would not increase flooding elsewhere or suffer from a flood risk. Anglian Water had not submitted an objection, Highways had been consulted on numerous occasions and had no objections. The tree officer has not agreed there is a risk to the horse chestnut tree referred to in the report, therefore this has to be balanced with the wider site and the potential implications if refused. The rural exception site, by virtue, allows for development of the countryside for affordable housing and is not considered to intrude into the countryside. Regrettably the dwelling at the front of the site has to be demolished as it was not possible to refurbish the dwelling whilst delivering affordable housing. With regard to pedestrian safety, there was a proposal to upgrade the footpath and no objections had been raised by Highways. The application had identified that there was a need for affordable housing.

In response to questions from Members, the Planning Contractor confirmed that the play area would be inclusive and that there would be 2 parking spaces allocated to each dwelling and a total of 10 visitor parking spaces.

Cllr Ambrose Smith proposed the Officer’s recommendation for approval. Cllr Goodearl seconded Cllr Ambrose Smith’s proposal.

Cllr Huffer raised concerns regarding the streetscene, the relocation of the bat roost, flooding and over development and therefore struggled to support the proposal. Cllr Huffer was happy to support the affordable housing but would have preferred to retain the existing dwelling.

Cllr Wilson agreed that the affordable housing was desperately needed in East Cambridgeshire, and he therefore supported the proposal. Several Councillors were concerned with the drainage and sewage, but it was pointed out that Anglian Water had stated there was capacity for the scheme.

It was resolved:

- i) That the planning application ref 21/01322/FUM be APPROVED in accordance with the following terms:
 1. The Committee delegates authority to finalise the terms and completion of the S106 legal agreement to the Planning Manager; and
 2. Following the completion of the S106, application 21/01322/FUM be approved subject to the planning conditions at Appendix 1 of the Officer Report; or
 3. The Committee delegates authority to refuse the application in the event that the Applicant does not agree to any necessary extensions to the statutory determination period to enable the completion of the S106 legal agreement.

74. 23/00870/RMM – Land Read or 30 to 40 Garden Close, Sutton

Gavin Taylor, Planning Contractor, presented a report (Y159, previously circulated) recommending approval of reserved matter of layout, appearance, scale, and landscaping, for the construction of 41 dwellings and associated infrastructure.

Members were shown slides of the location, and photos.

The Planning Contractor, Gavin Taylor explained the background to the item:

- January 2022 - outline planning permission was approved for a scheme for up to 53 dwellings which included access via Garden Close, locally equipped area of play, a nature reserve and a Landscape Ecological Management Plan secured through a Section 106 Agreement.
- April 2023 – a reserved matters application was refused for 47 dwellings with the reasons being a lack of single storey dwellings, the housing mix not according with the latest evidence and that the development would have an adverse impact upon living conditions of

the occupiers of 10 Oates Lane owing to the acoustic fence resulting in a poor outlook.

It was explained that the Council has a duty under the Public Sector Equality Act to ensure due regard is given to the need to:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not.

The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The main considerations for the application were deemed to be:

- **Principle of Development** – Site is subject to extant outline planning permission. Allocated through Policy NP5 Sutton Neighbourhood Plan for up to 53 dwellings and should be predominately low density, single storey dwellings; should retain existing mature trees and hedgerows and should preserve and enhance views from the south towards the Church, from Lawn Lane and Station Road across the cricket fields and open spaces.
- **Housing Mix** – The previous application was refused on housing mix on the grounds that it did not accord with Sutton Parish Council's latest housing needs assessment. The latest application proposes a different mix in terms of 2-bed, 3-bed, and 4-bed. Members have to consider the weight afforded to the housing needs assessment and balance this against the particular circumstances of the scheme, including the constraints and benefits of achieving a large number of 2-bed single storey dwellings. There is a greater number of single storey properties than before, all of which will be M42 compliant and therefore the scheme positively contributes towards small homes which is one of the main requirements of Policy MP7, including the compliant level of affordable housing.
- **Layout** – the access and connectivity are all agreed, and no concerns were raised at the previous application.
- **Scale, Appearance and Landscaping** – The previous application was refused on the basis that it did not comprise predominantly single storey dwellings as required under Policy NP5; however, the application has increased its percentage of single-storey dwellings by 11% to 66% and the two-storey dwellings are proposed to be mainly centralised. Ridge heights are maximum 7.7m as previously proposed and therefore is considered to be a predominance of bungalows, particularly when considering the character of the site, which places

the bungalows around the fringe of the site. Policy NP5 also requires preservation of views of the church, this was not previously raised as a concern. No concerns were raised previously regarding the design of the dwellings therefore it is considered that the general appearance of those dwellings is appropriate in the context of the site. There are some trees that should be removed from the site along with a large number to be replanted, which is compliant with the SPD and the hedgerow will be retained therefore it is considered that there are no concerns.

- **Biodiversity and Ecology** – The Local Ecological Management Plan is required to be updated in order to align with the outcomes from the Quality Impact Assessment regarding gating areas and benches but there were no objections raised previously and it is considered that an appropriate length could be secured along with the woodland and hedgerow management plan.
- **Residential Amenity** – The final reason for refusal previously, centred around the amenity of the occupiers of 10 Oates Lane. In general, the wider development does not raise concerns for residential amenity, so future occupiers are presented with adequate separation distance and space and there are no concerns about existing residents along Garden Close. The main consideration is the impact on the occupiers of 10 Oates Lane. The previous application was refused on the basis that the acoustic fence was sited in a position that resulted in poor outlook for the residents and therefore failed to protect their amenity, noting that one had protected characteristics and therefore would fail to comply with Policy ENV2 and the Equality Act. The acoustic fence has now been moved approximately 1m southwards, 2m/3m eastwards, resulting in the fence now being approximately 11m from the boundary of 10 Oates Lane, to address these concerns. Officers are satisfied that having regard to the repositioning of the fence it would not result in significant harm to their outlook and that the suitable landscape scheme is secured including defensive planting to dissuade people from climbing the fence. In respect of the position of the existing bungalows relative to the fence, they are considered to be separated sufficiently away from the boundary to not result in significant amenity harm. There is a proposal to install a stock proof fence which would separate an inaccessible area to the public and a biodiversity area from the main development; this is considered to be an appropriate means of securing the site whilst also achieving surveillance by some of the properties. There is a condition proposed for long term management of the fence and a scheme for defensive planting. In terms of the risk of noise and disruption, it is considered to be low, it is a low traffic area, serving only four dwellings with each of those dwellings having a driveway. Cambs Police have considered the risk of ASB to the proposed arrangement and have not raised any objections. It is therefore considered that the relocation of the acoustic fence is acceptable. An alternative proposal was put forward by the occupiers of 10 Oates Lane for an alternative position of the acoustic fence which they considered would reduce the overbearing nature of the fence and

would restrict the ability for people to park on the landscaped area thereby prevent the ability to overhear or create noise which may disrupt the occupier of 10 Oates Lane and acts as a deterrent for people to climb and potentially cause ASB. Cambs Police were consulted as they were previously and responded stating they considered it may create a greater risk of ASB, with views cut off and therefore relying on the surveillance from 10 and 12 Oates Lane. The ASB Officer has concurred with the responses from the Police. The Council's Environmental Health Team advised that there would be no discernible difference in noise mitigation.

- **Flood Risk and Drainage** – The outline permission secured a drainage strategy, which the LLFA are happy with, subject to concluding matters through condition within the outline planning permission. There were no objections or concerns raised from Anglian Water or the Flood Authority previously and the position remains the same.
- **Historic Environment/Archaeology** – The archaeology is secured through a condition, and it is considered that this scheme would not result in adverse impacts or unacceptable impacts on the historic environment.
- **Energy and Sustainability** – The Scheme complies with the latest building regulations which exceeds the aims of the current policy requirements.

In conclusion the principle of development is already established at outline stage, and it does secure acceptable levels of open space, retaining natural features. Its density has been reduced further by virtue of the increased number of bungalows which would further improve the landscape impacts of the development and they include acceptable design. The development has been amended and is now predominantly single storey, with all the bungalows being M4(2) compliant, in line with the aims of NP7, which is of a substantial benefit to the scheme. It does also include a high proportion of two-bed dwellings which meets with Policy NP7. The development does not fully align with the latest housing needs assessment and therefore partially conflicts with Policies HOU1 and NP7. It is acknowledged that the requirement of the particular allocation does place constraints on the deliverability of larger homes and smaller 1-bed properties. The applicant has raised concerns over the viability of achieving alignment with the latest housing needs assessment. Nonetheless, the partial conflict is noted and is to be balanced against the merits of the scheme. There are no concerns in the terms of amenity for future occupiers of the development and the amendments have been made to position the acoustic fence which is now further away to the previous arrangement. With the focus on the eastern boundary where the fence has been moved over 2m to around 11m, therefore providing further relief to the outlook whilst restricting views into the private garden and continuing to reduce noise transference. It is considered that the layout would be effective in minimising noise and potential ASB impacts to those occupiers of 10 Oates Lane and conditions are proposed which would further ensure long-term management of the open space and that boundary treatments are in place at point of commencement. The

alternative proposal has been carefully considered but it is thought that the proposed arrangements are the most reasonable having regard to protecting the amenities of the existing residents and future occupiers of the development. Whilst there is some conflict with the housing mix, the development largely accords with the vision of Sutton Neighbourhood Plan which is predominately single storey dwellings, a greater number of 2-bed dwellings, that caters for an aging population with two-thirds of the scheme proposed to be accessible and adaptable; achieving full compliance with the housing mix policy, is possibly constrained in part by the allocation policy itself, which needs to deliver low density dwellings. The development is considered to accord with the development plan when taken as a whole and the amendments have further addressed these concerns.

The Chair thanked the Planning Contractor for his presentation, and invited Mrs Wood, an objector, to address the committee.

“Good afternoon, I am Mum. You will have seen the letter dated 1 March from our solicitors setting out our concerns. Although we appreciate the steps that have been made so far, there are still vital outstanding problems. We have put immense thought, effort, and money into designing and building a bespoke lifetime home to meet the complex needs of our severely disabled son. We are the only people who have the expertise to do this having cared for him day and night for the last 19 years and having given up our careers to do so. Oates Lane has given us the freedom to run a care home, employing and managing a team of nine carers. Our son has a severe learning disability, he senses the world around him very differently to a typical person and this leads to behaviours that are disturbing to those who do not know and love him. His disability is far too complex to describe succinctly, we are happy to answer questions in a private hearing, where his dignity is protected. Our son is supported by adult social services, they have determined that his home and care team, they call it a ‘setting’, is the best possible long-term environment in which he should remain. The objections from social service are from people who work daily with complex needs and disabilities and who champion the public sector equality duty. They know what they are talking about based on actual lived experience. When they say that this application represents a very significant risk to our son and that the consequences would be very severe, that is the collapse of the care setting then they must be listened to. If this setting fails, then the real risk is that he will have to be housed and cared for in a much inferior setting, severely affecting his liberty and quality of life, out of this county, possibly hundreds of miles away from us and from the loving life he has always known; this would destroy us as a family. We are bound by the Mental Capacity Act to make decisions in his best interests, and we believe that those are served by ensuring that he can live in his bespoke home for the rest of his life, estimated to be another 40+ years, free from unlawful discrimination harassment and victimisation. We and social service believe this planning application puts our son’s setting at risk of failure. Social services have said that, as a result of his protected characteristics, his needs around privacy in his home and garden manifest differently to the vast majority of the population. These must be taken into consideration and evidence shown how

those have been taken into account, made available as part of the decision-making in relation to this planning application. The adverse impacts on our son that social services identify are not recognised, acknowledged, or discussed anywhere by the planning officer. There is no evidence that the planning officer has understood the impact of the decision on our son and our recent data subject access request has revealed that they have not created a record of their thinking or a record of important meetings, such as the two hours spent by us showing the planning officer around our son's home environment. Why were no notes taken to inform the decision-making process? Policy ENV2 says that you must ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers. It is clear to us and social services that this application will have a very significant detrimental impact, it will expose our son to harassment and victimisation and the overbearing nature of the fencing will have a very significant impact on his ability to use his therapeutic garden, either of these could result in his being unable to live in his own home. We have proposed an easy and simple adjustment to make the development more acceptable, your officer has failed to consider whether our request to adjust the fencing is reasonable and has consistently refused to meet with us to consider it. We have read the recent PSED guidance for public authorities which sets out best practice and there is a duty to make reasonable adjustments for people with disabilities. The guidance says that the decision maker must give real consideration to the duty as part of the decision-making process. It must also be exercised fully, rigorously and with an open mind. Decision makers should be aware of potential impacts of a decision. Why would your officer not have a round table discussion with us and the other consultees, as repeatedly requested? We were told that Abbey would not attend but the duty is on the Council, not on Abbey. Why did your officer forbid the consultants writing the EQIA to speak to us and why were we barred from consultation on their brief? The resulting EQIA does not identify, describe, or analyse the impacts on our son. No-one from ECDC, or their consultees have ever asked a single question about our son's disability or needs, they have never met him or made any attempt to communicate directly with him. We believe that our son's needs have not been taken into consideration in arriving at their recommendations. These are complex issues and decisions are highly consequential and irreversible, the effects will ripple throughout our son's life. All disabled people are different, we are the experts on our son, followed by social services. We are here in front of you, please ask us in the closed session. Thank you."

The Chair thanked Mrs Wood for her representation, and invited John Brindley, the Agent, to address the committee.

"My name is John Brindley; I am Town planning Director at CMYK, and we are the agents acting on behalf of the applicant Abbey Developments. The site has Outline planning permission for up to 53 dwellings. This reserved matters application makes revisions to the previous reserved matters application which was refused contrary to the officer recommendation for approval at Committee in April last year for the following three reasons:

- The proposed development does not contain predominantly single-storey dwellings.
- The mix of market housing proposed on site fails to contribute to meeting the needs of the village. The proposal is therefore contrary to Policy NP7 of the Sutton Neighbourhood Plan 2019.
- The location of the acoustic fence adjacent to the boundary of 10 Oates Lane results in a poor outlook for residents of this property.

On the basis of these 3 reasons for refusal all other aspects of the scheme are deemed to have been acceptable such as:

- The road layout
- The surface water drainage scheme
- The amount of public open space
- The provision of ecological areas at the northern and southern end of the site
- The number of trees being retained
- The amenity of existing dwellings on Garden Close being sufficiently protected.
- Preserving and enhancing views from the south towards the Church, from Lawn Lane eastwards and Station Road westwards across the cricket fields.

The main changes to the scheme as part of this reserved matters application are as follows:

- A reduction in the number of dwellings from 47 to 41
- An increase in the number of single storey dwellings from 55% to 66%
- Amendments to the mix of dwellings
- The acoustic fence to the north of the site has been moved further away from the boundary with 10 Oates Lane.

As a result of these changes:

- The density of the site is now 13 dwellings per ha
- The amount of single-storey dwellings is 66%
- The number of 2 bed dwellings provided is 44% the most of any dwelling type on the site.

The acoustic fence has been moved away from the boundary with 10 Oates Lane by approximately 1m on the southern boundary and between 2m and 3.5m on the eastern boundary. Proposed dwellings will closest to 10 Oates Lane will all be single storey and will be between 20m and 28m away from the boundary with 10 Oates Lane. The adopted neighbourhood Plan policy allocating this site contained the following requirements:

- i) the site should be predominantly low-density single storey dwellings.

In addition to this, the adopted neighbourhood plan also has Policy NP7 – which highlights the particular need for two bedroomed dwellings. The reserved matters application in front of you should now be considered low density at 13 dwellings per ha, it should also be considered predominantly single storey with 66% of the dwellings now single storey and it also provides the majority of units on site as 2 bedroomed dwellings and moves the acoustic fence further away from 10 Oates Lane. It is therefore considered that the previous reasons for refusal have been overcome and the relevant policies have been met. We are aware of the emerging Neighbourhood Plan housing mix and the fact that there is already a Strategic Housing Market

Assessment covering the whole of the district from 2021. Along with these two considerations is the need to meet the requirement of Neighbourhood Plan policy NP7 which highlights the need for two bedroomed dwellings. Given that the emerging neighbourhood plan mix has not been endorsed by the examiner yet and the policy allocating the site has particular requirements in terms of providing predominantly single storey dwellings and a low density scheme, the mix now presented is the one that meets the policy requirements of being low density, single storey and predominately two bed units, whilst reducing the number of units on site and still maintaining all the other acceptable elements of the scheme and still being viable in terms of its delivery. We therefore ask that you endorse your officer's recommendation and approval this application."

A short break was taken from 4:40pm until 4:50pm

Cllr Trapp commented he had attended the previous planning meeting when this item was discussed and he was pleased to see that some of the concerns raised by Members had been taken into consideration and asked if any consultation had taken place with the neighbours at 10 Oates Lane. Mr Brindley responded stating that no meetings had taken place between the developer and the residents of 10 Oates Lane.

In response to a question from Cllr Colbert, it was explained that the acoustic fence would be 2.4m high and constructed from timber, with a 1m strip being left on the development side to allow for landscaping and 8.5m to 11m inside the boundary to allow for landscaping to screen the fence. The conditions allow for the ongoing management and maintenance of the acoustic fence to ensure its longevity.

The Chair invited Cllr Mark Inskip, District Ward Councillor, to address the committee.

"I am one of the two District Councillors for Sutton, and I am also Chair of the Parish Council, and I am part of the working party that created the original neighbourhood plan and chairing the working party that is now updating the neighbourhood plan and I spoke last time that the previous application came to committee. I welcome some of the changes that have been made, particularly around NP5 and the mix of predominantly low storey buildings, the key point for me is still Policy NP7 of the existing Sutton Neighbourhood plan, the plan that was made in 2019 and that says that housing development must contribute to meeting the needs of the village, planning proposals will be supported where the development provides a mix of housing types and sizes that reflect the needs of local people. It does go on then to say, particularly in the needs of 2-bedroom houses and it also says as well as the needs of an aging population looking to downsize into homes for the lifetime occupation. But in particular, just to re-emphasis, it says a mix of housing types that reflects the needs of local people. As part of the process of developing a new neighbourhood plan, there was a housing needs assessment in September 2021 commissioned by the Parish Council and Acorn produced the report, and they concluded that the development

mix we saw earlier (23% 1-bed, 47% 2-bed, 18% 3-bed and 0% 4-bed and 12% as 5 or more beds). This application has no 1-bed, so none of that 23% demand, 44% 2-bed, that is fairly close. It has 39% 3-bed rather than 18% and it has 27% 4-bed and does not address that larger requirement. Whilst the housing needs assessment was produced as part of the neighbourhood plan which is now with the independent examiner, it will be another 6 or 7 weeks before we hear the outcome of that, it is the most up to date document we have of the housing needs and therefore if you go back to the existing neighbourhood plan, that is where you can look for evidence of what the mix should look like. In conclusion, as a District Councillor, it is also the view of the Parish Council that the current application still breaches that NP7, welcoming the movement on NP5 but it is still not what we were looking for when we created the neighbourhood plan and there have been no discussions with the parish council at all to discuss and understand what the aspirations were of the original neighbourhood plan and it spoke volumes when the applicant could not recall what the Parish Council's objections were, which is very different to the approaches we have had with other developers who have come to Sutton. Key grounds are NP7 that was rejected last time by the planning committee, that has not been addressed as the planning officer has stated it is something that is still not compliant with the policy.

The Chair invited Members to ask questions to Cllr Inskip.

Cllr Trapp asked if Cllr Inskip thought the development was predominately single storey dwellings to which Cllr Inskip disagreed and explained that when the site had originally been considered, which included the original Neighbourhood Plan, the landowner had proposed a development purely of single storey properties and no two storey properties. Cllr Inskip acknowledged that the applicant had made significant moves towards that although it had taken several applications and therefore the issue was the compliance with NP7.

In answer to several questions, Cllr Inskip stated that young people who had grown up in the village may want to live in a 1-bed property, but there did still need to be a range of properties. He suspected that the Parish Council would be disappointed that there were no 1-bed properties, but they would be happy with 2-bed and 3-bed properties.

The Chair invited Cllr Dupre, Parish Councillor, to address the committee.

"I am here once again to ask you to refuse this application which contrary to what you may have heard earlier is actually in the southeast of Sutton and not the southwest. The principle of development has been established by the approval of an outline application albeit one which is substantially more extensive than envisaged by the Sutton Neighbourhood Plan, which proposed 25 bungalows. One or two changes have been made since the previous reserved matters application in April last year, including an attempt to bring it a little closer to the predominance of single storey dwellings the neighbourhood plan requires but the other two grounds on which the

previous application was refused by this committee, the housing mix, and the effect on a neighbouring resident with protected characteristics remain. Cllr Inskip has spoken about the first and I will address the second. I would also like to say that the application gives cause for ongoing concern in other ways that were not given as grounds for refusal. Chief amongst these is the management of water on this notoriously watery site, residents at the bottom of the site have experience of this wet environment including the boggy conditions of the entrance to the recreation ground to the south of the site. We have had experience on other sites of being assured that drainage arrangements are adequate only to be proven right later when they are not. I fully expect water to be a major issue for this site if the development is permitted, which I hope it won't be and the Parish Council has expressed the same concerns. But back to the neighbouring resident with protected characteristics, the risks of this application to the family in question are severe, as attested by the County Council's Adult Services Team. It could make the difference between the family remaining together or being broken up and between them remaining in their carefully constructed therapeutic environment or the resident with protected characteristics being institutionalised and the family losing their home and their right to a family life, it really is as straight forward as that. It is therefore disappointing, to put it mildly, that the equality impact assessment did not involve the family and was something done to them rather than with them. It is also disappointing that the family were refused the opportunity of a roundtable meeting to achieve a shared understanding of the issues and that no notes were taken by planning officers of critical meetings. The officer's report suggests that the applicant has reduced the scale of the development to accommodate the needs of the resident with protected characteristics and his family, that is quite incorrect; changes have been made, but not in any way that reduces the impact on the family. It would be wrong to accept the assertion in the report that Abbey should be allowed to breach Council Planning Policy because they are doing so in order to accommodate the needs of the resident with protected characteristics, they are not and never have. The move of the fence between the development and the neighbour on Oates Lane by a few metres has not addressed, in any serious way, the issues of overbearing and anti-social behaviour that caused this committee to refuse the previous application 11 months ago. The family of the resident have proposed a reasonable and viable solution, but no attempt has been made by the applicant to take this into account and this Council has not seen fit to apply its Public Sector Equality duty to help resolve it either. The area of inaccessible open space to the east will give rise to the risk of anti-social behaviour and potentially hate crime, a report by MENCAP indicates that 60% of disabled people have experienced violence, hostility, or aggression and up to 9 out of 10 people with learning difficulties have been bullied, harassed, or harmed because of their disability. The suggestion that this can be prevented by surveillance by neighbours simply will not fly. A reasonable proposal by the family which would solve this issue has not been adequately considered, the application should not be considered until, and unless it has. Indeed, even setting aside the Equality duty 2010, the Council's planning policy ENV2 requires that all new development proposals will be expected to ensure that there is no significantly detrimental effect on the residential

amenity of nearby occupiers. The application fails this policy test. The previous application was refused for these reasons and the current application should be refused for the same reasons as it has not changed in these significant respects.”

The Chair invited Members to ask questions to Cllr Dupre.

Cllr Trapp asked if the change of the boundary of the acoustic fence had significantly altered or alleviated the issues. Cllr Dupre explained it had not resolved the underlying issues and it left an allegedly inaccessible open space that will be easily accessed over the proposed fencing and relied on surveillance by neighbours.

Cllr Goodearl enquired as to what protection was in place currently to protect the resident from anti-social behaviour. Cllr Dupre explained that the land was not used or currently occupied.

The Chair invited Mr Brindley to add any clarifying points. Mr Brindley explained that a previous application had included a small block of flats, and this had been a reason for refusal as it was deemed to be out of character, therefore it would be difficult to deliver 1-bed properties as the alternative 1-bed bungalows would lead to a loss of units. With regard to 5-bed properties, these would normally be 2.5 storeys high and was not suitable for this site.

5:10pm - It was unanimously agreed that the press and public be excluded because it was likely, in view of the nature of the business to be transacted, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories 1 and 2 of Part I Schedule 12A to the Local Government Act 1972 (as amended).

During the closed session, Mr Wood addressed the committee and answered questions from Members.

The Chair invited Members to ask questions of John Brindley.

The Chair invited Mr Wood to make a further comment to the committee

5:50pm It was unanimously agreed that the meeting should return to public session. Members of the press and public were therefore re-admitted to the meeting.

David Morren, Interim Planning Manager, drew Members attention to Condition 9, which referred to defensible planting and explained that it had always been Officer's intentions that any planting in that area would be of a type mentioned by Members. With regard to surveillance, the Interim Planning Manager clarified that it was not active surveillance, as in the area constantly being monitored; it was about perception and designing out crime by properties overlooking the land and acting as a deterrent. He also clarified that the Local Plan allocation was 53 and not 20 as stated by Cllr Dupre earlier, which was clarified in 7.3.1. of the Officer's report.

The Chair invited questions to the Planning Officers.

Cllr Huffer asked if Members would be able to condition a weldmesh 365 fence instead of a stock fence to which Officers stated it would be.

Cllr Goodearl asked if the anger felt today could have been avoided if discussions had taken place before the application had reached the planning committee. The Interim Planning Manager explained that conversations could have taken place before the application had been submitted but planning officers needed to be careful that they determined the planning application put before them, therefore any meeting taking place would only be on the basis of the information already received. In this case, Officers had reached out to the different consultees, as usual, ensured that an EQIA was received, along with all information from interested parties and then this information is weighed in the balance. It would be unusual during an application for Officers to meet with interested parties, instead, the information is assessed against the policies and if there are concerns, negotiations would be sought as appropriate. The Interim Planning Manager understood the frustration of the neighbours to the manner in which the planning application had been dealt with. But it was his understanding that during the lifetime of the application, the Officer did ask the applicants if they were willing to undertake a meeting, but the agent declined.

Cllr Akinwale agreed with Cllr Goodearl and in her opinion, Officers should have pushed the applicant into speaking with the parents prior to the planning meeting. The Interim Planning Manager explained that as a Planning Authority there was limited ability to push an applicant in any direction; a question can be asked, and this was done and then the application has to be determined on its own merits.

Cllr Trapp commented that he was happy with the layout of the site, although it did not conform to the Neighbourhood Plan but what he was most concerned about was the fact that the committee had not taken into consideration the neighbours therefore he proposed the application be rejected as he felt that a consultation and an assessment of needs was essential. Cllr Akinwale seconded Cllr Trapp's recommendation and added that she could potentially approve the application if amendments were considered. Following a question from the Chair, the Interim Planning Manager stated that he would respectfully say this could not be a legitimate refusal. Cllr Trapp added that the protected characteristics had not been addressed. The Interim Planning Manager explained that due regard had to be given to the previous reasons for refusal and new ones were not to be introduced unless there was a material change. The previous reason stated that the location of a 2.4m high acoustic fence in relation to the boundary results in a poor outlook and therefore failed to preserve and protect the residential amenities of the adjoining occupier who has protected characteristics and as such this scheme would not comply with Policy ENV2 of the East Cambridgeshire Local Plan 2015 and Section 149 of the Equality Act 2010; he asked if this covered Cllr Trapp's concerns to which Cllr Trapp stated it did.

Cllr Goodearl commented that the applicant had mentioned that they were willing to change the fence. The Interim Planning Manger confirmed that the details within Condition 8 could be altered to accommodate the change.

Cllr Huffer proposed that the Officer’s recommendation be accepted with the amendment to Condition 8 for the materials used for the fence, that still prevented climbing or intrusion. She believed a 2.4m high fence would spoil the open views towards the church and understood the perception that people may gather and potentially overhear but did not believe that the young man would feel any more overlooked than he currently was, as those living in 12 Oates Lane could already overhear and see into their garden. Cllr Huffer also believed as the site was currently open, it would be easier to congregate now than it would be after a fence was installed. Cllr Goodearl seconded Cllr Huffer’s proposal with the associated amendment.

Cllr Trapp disagreed with Cllr Huffer regarding the noises etc as it would be upsetting to the neighbour and affect their quality of life. The Interim Planning Manager reminded Members that the acoustic fence had been considered by acoustic consultants and technical experts therefore the discussion should remain on the overbearing and overlooking elements as these formulated the reasons for the previous refusal.

It was resolved:

- i) That the planning application ref 23/00870/RMM be APPROVED subject to the conditions as detailed in Appendix 1 of the Officer’s report as amended by the Planning Committee Update Sheet.
- ii) The Committee delegates authority to the Interim Planning Manager to amend the wording to proposed condition 8, in respect of requiring further details of the fencing (as an alternative to the currently proposed as ‘stock proof fencing’).

75. Planning performance reports – December 2023 & January 2024

David Morren, Interim Planning Manager, presented reports (Y160 & Y161, previously circulated) summarising the performance of the Planning Department in December 2023 and January 2024.

It was resolved unanimously: That the Planning Performance Reports for December 2023 and January 2024 be noted.

The meeting concluded at 6:20pm

Chair.....

Date.....