



East Cambridgeshire District Council

Meeting: Planning Committee

Time: 2:00pm

Date: Wednesday 1 May 2024

Venue: The Lighthouse Auditorium, 13 Lynn Road, Ely, CB7 4EG

Enquiries regarding this agenda: Jane Webb

Telephone: (01353) 616457

Email: jane.webb@eastcambs.gov.uk

Committee membership

Quorum: 5 members

Conservative members

Cllr Christine Ambrose Smith
Cllr David Brown (Vice-Chairman)
Cllr Lavinia Edwards
Cllr Martin Goodearl
Cllr Bill Hunt (Chairman)
Cllr James Lay

Conservative substitutes

Cllr Keith Horgan
Cllr Julia Huffer
Cllr Alan Sharp

Liberal Democrat members

Cllr Chika Akinwale
Cllr Kathrin Holtzmann
Cllr John Trapp
Cllr Christine Whelan
Cllr Gareth Wilson (Lead Member)

Liberal Democrat substitutes

Cllr Christine Colbert
Cllr Lorna Dupré
Cllr Mary Wade

Lead Officer: David Morren – Interim Planning Manager

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

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

To confirm as a correct record the minutes of the meeting of the Planning Committee held on 6 March and 3 April 2024.

4. Chairman's announcements

[oral]

5. 23/01377/FUL

Single storey garage in rear garden (part retrospective)

Location: 53 Commercial End Swaffham Bulbeck Cambridge CB25 0ND

Applicant: Mr James Askham

Public access link: <https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S5UOYUGGI0300>

6. Planning Performance Report – March 2024

EXCLUSION OF THE PUBLIC INCLUDING REPRESENTATIVES OF THE PRESS
That the press and public be excluded during the consideration of the remaining item 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 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).

7. EXEMPT MINUTES

To receive and confirm as a correct record the exempt Minutes of the Planning Committee meeting held on 3rd April 2024.

Notes

1. 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 1hr 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.

Please note that due to the change in location, this meeting will not be live streamed.

2. 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 Democratic Services democratic.services@eastcambs.gov.uk, to **register by 10am on Tuesday 30th April**. 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 Parish/Town Council
- 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)."



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.....



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 3 April 2024**

Present:

Cllr Chika Akinwale
Cllr David Brown
Cllr Lavinia Edwards
Cllr Martin Goodearl
Cllr Bill Hunt
Cllr John Trapp
Cllr Christine Whelan
Cllr Gareth Wilson
Cllr Julia Huffer

Officers:

Rachael Forbes – Planning Officer
Olivia Roberts – Planning Officer
Holly Chapman – Senior Planning Officer
David Morren – Interim Planning Manager
Catherine Looper- Planning Team Leader
Andrew Philips – Planning Team Leader
Angela Tyrrell – Senior Legal Assistant
Jane Webb – Senior Democratic Services Officer

In attendance:

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

Others in attendance:

5 Members of the Public

76. Apologies and substitutions

Apologies for absence were received from Cllr Ambrose Smith, Cllr Holtzmann, and Cllr Akinwale.

Cllr Huffer was in attendance as a substitute.

77. Declarations of interest

Cllr Huffer stated she was predetermined with regard to Item 4 (23/00847/FUL) and therefore she would speak as a Ward Member and leave the Chamber for the debate and voting of the item.

78. Chair's announcements

There were no Chair's announcements.

79. 23/00847/FUL – Land North West of 3 Arthurs Way, Fordham

Rachael Forbes, Planning Officer, presented a report (Y185, previously circulated) recommending approval for the change of use to garden land and relocation of access.

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

The main considerations of the application were deemed to be:

- **Principle of Development** – Policy GROWTH 2 states that outside defined development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the settings of towns and villages. Development will be restricted to the main categories listed in the policy and may be permitted as an exception, providing there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied. The change of use to garden land is not an exception listed in Policy GROWTH 2 and the proposal is therefore contrary. However, paragraph 47 of the National Planning Policy Framework states 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'. While the proposed is contrary to Policy GROWTH2, there has been development in the immediate area which has resulted in a change to the character and appearance of the area. The land is surrounded by development on three sides. The land is not large enough to be reasonably used for agricultural and garden use is likely to be the most compatible use when considering the surroundings.
- **Visual Impact** – the land is not in an isolated location and there is residential development and gardens surrounding the site. It is considered that although the site would be visible from Moor Road, as the boundary proposed is a post and fence rail, the use of the land as garden land would not be incompatible with the immediate surrounding area. Further to this, the character of the surrounding area has changed since the adoption of the Local Plan and the development envelope boundaries; both the dwelling to the west and the dwellings to the south have been approved, built, and occupied. There is no built form proposed as part of the application, originally a garage was proposed, however this has been removed from the application following officer concerns around the impact of the building on the character and appearance of the area. Efforts have been made as part of previous applications to protect the character and

appearance of the countryside. The dwellings at Arthurs Way have had permitted development rights removed for Classes A (enlargement, improvement, or alteration to a dwelling), B (additions to the roof), C (other alterations to the roof) and E (buildings in the curtilage) under application reference 21/00703/VAR. An application (20/01576/FUL) was submitted for a 1.8-metre-high closed board fence along the front of this piece of land, as well as a temporary 1.8 metre (5.9ft) high fence along what is now the frontage to Arthurs Way, which was refused on the basis of visual harm. In light of this, it is considered that it would be reasonable and necessary to remove Schedule 2, Part 1, Class E (outbuildings) permitted development rights to protect the character and appearance of the area. Further to this, it is considered reasonable and necessary to remove Schedule 2, Part 2, Class A permitted development rights (gates, walls, and fences) to prevent inappropriate enclosure of the land, resulting in harm to the character and appearance of the area. It is also considered that it would be reasonable and necessary to condition that the garden land shall be used as garden land as part of The Orchards, 2c Moor Road and for no other purpose. It is considered that with the imposition of appropriate conditions, the proposal would not result in a significant adverse impact to the character and appearance of the area nor result in significant harm to the countryside and is therefore considered to comply with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

- **Highway Safety** – The land proposed to change use includes an access which is separate to that which is used to access the dwelling. It has been established that this is an existing access but would need to be upgraded for the proposed use. The LHA commented that to make the development acceptable in highways terms, the access would need to be constructed with a metalled surface for a length of 5 metres and a means of surface water interception will be needed across the access prior to the highway boundary. In providing the measures that the LHA requested, the proposal would have resulted in conflict with the Oak tree to the front of the site. To avoid any potential conflict with the tree, it has been proposed to relocate the access slightly to the west. There has been concern raised that the relocation of the proposed access would make exiting very dangerous, however, the Local Highway Authority have reviewed the current proposal and have raised no objections and therefore it would not be reasonable to refuse an access in this location on that basis. Although the proposal seeks to relocate the access, which does result in the access being closer to the bend, the relocation of the access is not so significantly removed from the existing location that it would be reasonable to insist on its removal. In addition to this, given that it is not the main access to the dwelling, it is unlikely to be used intensively and as it only serves a single dwelling is unlikely to be a significantly more intensive use than a field access.
- **Other Matters** - It is considered that the proposal would not result in any adverse impacts to residential amenity and with a suitable condition would provide biodiversity net gain.

Whilst the proposed development does not accord with Policy GROWTH 2 as it does not fall within one of the exemptions for development in the countryside, it would not cause any harm to the character of the countryside which is a key aim of Policy GROWTH 2.

The proposal is considered to be acceptable in all other aspects and complies with all relevant Local Plan policies regarding those considerations. It is therefore considered that no demonstrable harm would arise from the proposed development. The surroundings of the site have changed since the adoption of the Local Plan and the development envelope boundaries which have resulted in the application site being surrounded by built form. However, the built form and impact on the character of the area have been carefully considered. The change of use of the land is considered to be acceptable as no built form is proposed and it is considered that with the appropriate conditions, that the character and appearance of the countryside would be protected.

The lack of any demonstrable harm to the character of the countryside is considered to form a material consideration of sufficient weight to warrant a departure from the Local Plan in respect of the strict application of policy GROWTH 2. The application is therefore recommended for approval.

The Chair thanked the Planning Officer for the presentation, and invited Jane Webb, Senior Democratic Services Officer, to read out a statement on behalf of Fordham Parish Council.

“The Parish Council have no objections to the change of use of the agricultural land to garden land. However, the proposed access onto Moor Road is directly next to a blind bend giving restricted visibility and in addition dependant on regular maintenance of the hedgerow which cannot be guaranteed. This is a single-track road with no street lights which is heavily used by farm traffic, dog walkers, runners, and members of the public wishing to access the river walk and will create a dangerous situation. The Committee must understand that Moor Road is a narrow road and is a 60-mph speed limit. The Parish Council refer the Committee to Condition 8 of the original outline planning approval ref: 17/00871/OUT which states “The existing accesses to the site shall be permanently and effectively closed and the footway/ highway verge shall be reinstated in accordance with a scheme to be agreed with the Local planning Authority within 28 days of bringing into use of the new access” Reason: In the interests of Highway safety in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015. As stated by Highways this important condition is “In the interests of Highway safety” and the Parish Council would ask how such an important condition can be ignored or overridden. It is clear that the Highways Surveyor, Mr Geoffrey Ellwood, understood the seriousness of the situation to recommend this condition in accordance with HW7A. This access may well be an existing access to the field/paddock, but this was only used

very seldom for agricultural use and for cattle and horses with little vehicular use. The Parish Council asks the Committee to carefully consider this issue. It would not want to say, "We told you so" This application is a change of use to garden land adjoining and part of the Applicants property 2C Moor Road with access already in place. This would be the proper way to proceed and seems illogical to have a separate access to the garden of 2C Moor Road. The Parish Council is made up of members of the Community of Fordham who are totally aware of the circumstances on Moor Road and ask the Committee to accept the knowledge of the Parish Council members and refuse the application in respect of the element "revised access."

The Chair invited Cllr Huffer, Ward Councillor for Fordham, to address the committee.

"This site has been a thorn in the side of the Parish Council and both the Ward Councillors for the last two years with numerous complaints from residents and neighbours about the breaches of planning conditions too numerous to mention. Now we have the situation of the 2m solid fence finally being replaced with the more suitable post and rail fence but with a gate for access on a blind corner for no apparent reason. The applicant has tried on several occasions to obtain planning permission for this piece of land, in fact an application for a 10m x 6m garage was recently withdrawn. Whilst I appreciate that this Committee can only comment on what is before it today, the fact that the applicant is still insisting on this access would suggest it will not be long before that application will be in front of you. There is no justification for a potentially dangerous exit onto this road used by a steady stream of walkers, riders, farm vehicles and residents' cars and delivery vehicles. I would ask the Committee to approve the fence but remove the access gate which serves no purpose and to ensure that all future development rights are removed from this site."

The Chair invited Members to ask questions of Cllr Huffer.

In response to a question from Cllr Trapp, Cllr Huffer explained it was necessary to remove the access as it was located on a blind bend and therefore hazardous to drivers. Cllr Huffer was also of the opinion that the access was unnecessary as vehicle access was already located to the front of the property.

Cllr Lay asked what the Parish Council wanted to happen to the existing access. Cllr Huffer explained that when the original permission had been granted, all access had to be removed and this had since been overlooked, yet the applicant now requested another access, which was currently only a field gate.

Cllr Huffer left the Council Chamber for the remainder of the item.

The Planning Officer commented that there was currently a separate application for the fencing and therefore it did not form part of this application. The Planning Officer also confirmed there was a separate

access to the dwelling, but that in respect of the existing access to the land subject of the application, it was not felt it was reasonable to ask for it to be removed. It was being relocated due to impact to the trees

The Chair invited questions from Members to the Planning Officer.

Cllr Brown stated for clarity that the tarmacking was to satisfy Highway's concerns and had not been proposed by the applicant.

Cllr Trapp enquired as to the width of the existing entrance. The Planning Officer confirmed that Highways considered the access to be an existing one and the size was as seen at the site visit earlier that day.

The Planning Manager, David Morren explained that a historic access was in place that the applicant used for construction rights and the Council had no enforcement mechanism to remove the access; the current proposal was an upgrade suggested by Highways.

Cllr Lay asked why had the original planning terms been overlooked as use of the land as garden land was appropriate but not appropriate for future development. The Planning Officer explained that Highways had not objected, and the terms had not been overlooked as the correct consultees had been consulted and not raised any objections.

Cllr Lay stated there was no reason to refuse the application but suggested a clause be added to remove the access to prevent any future development. The Chair added that the application before Committee had to be considered and future thoughts around development were not relevant.

Cllr Trapp was of the opinion that the land was suitable as garden land and that the present access was acceptable and therefore why move the access. Cllr Goodearl explained that the reason why the access was to be moved was because of the 5m of tarmac that was to be laid and the need to protect the roots of a nearby tree.

Cllr Wilson felt that the tarmac was not necessary and agreed with Cllr Huffer that there was no need for a main access into the garden.

Cllr Brown commented that the applicant had complied with a request from Highways to protect the oak tree and therefore there was no reason to go against officer recommendation, therefore he proposed the officer's recommendation for approval. Cllr Goodearl seconded Cllr Brown's proposal.

It was resolved (with 5 votes in favour, 3 votes against and 0 abstention):

- i) That the planning application ref 23/00847/FUL be APPROVED subject to the conditions as detailed in Appendix 1 of the Officer's report as amended by the Planning Committee Update Sheet.

80. 23/00877/FUL – Clovelly, 116 Ashley Road, Newmarket

Olivia Roberts, Planning Officer, presented a report (Y186, previously circulated) recommending refusal of the demolition of 1no. semi-detached bungalow and erection of replacement 1 ½ storey dwelling.

Members were shown slides of the location, proposal, and photos.

The main considerations for the application were deemed to be:

- **Principle of Development** – The application site is located within the Newmarket Fringe development envelope. The proposal is therefore considered to accord with the aims of Policy GROWTH 2 which seeks to focus development within existing settlement boundaries. This is subject to all other material considerations being satisfied.
- **Visual Amenity** – The dwelling would have a greater height than the adjoining property at 118 Ashley Road and the ridge line would also be set back from the ridge of the adjoining property. It is considered that this would result in an uncoordinated and disjointed appearance between the two properties, with the proposed dwelling visually dominating the semi-detached pair. The design of the dwelling includes a number of competing features and roof forms which would not be sympathetic to the character and design of the properties within the street scene. The dwelling would have a gable roof form with only a partial hip, which is in contrast to the traditional hipped roof form on the adjoining and neighbouring dwellings. The combination of the roof height and alignment, together with the design of the dwelling, would be detrimental to the visual amenity of the site, adjoining property, and wider street scene. This is contrary to Policy ENV 2 of the Local Plan.
- **Residential Amenity** – The proposal is considered to have an acceptable impact on the residential amenity of the neighbouring properties. It is considered that the position of the dwelling within the site would prevent any harm by way of overbearing and overshadowing. The relationship with the neighbouring properties and the placement of openings is considered to prevent harmful overlooking between the properties.
- **Other Matters** – The impacts of the proposal on highway safety and parking is considered to be acceptable. The proposal would utilise the existing access into the site which would be widened as part of the proposal. The driveway would be able to accommodate parking for at least two vehicles with space retained for on-site turning to allow vehicles to exit onto Ashley Road in a forward gear. The proposal is considered to have an acceptable impact in terms of trees and ecology. It is also considered that an acceptable drainage scheme could be achieved on the site.

Officers acknowledge that there would be some benefits to the scheme through the creation of short-term employment during construction. This

benefit however carries limited weight and is restricted by the scale of the development which is for a single dwelling. It is considered that the scheme does not accord with the development plan as a whole and that, having considered the benefits of the scheme, there are no material considerations that indicate a departure from the development plan is warranted in this instance.

In summary, the proposal, due to the height of the dwelling, its roof alignment and overall form and design, would visually dominate the existing semi-detached dwelling that it would be joined to. This would be detrimental to the visual amenity of the semi-detached pair. Furthermore, the dwelling, by virtue of its significant footprint, height, and overall design, is considered to be out of keeping with the character and appearance of the existing development within the wider street scene and would appear incongruous within its setting. The proposal is contrary to policy ENV 2 of the Local Plan and the aims of the NPPF.

The application is therefore recommended for refusal.

The Chair thanked the Planning Officer for the presentation, and invited James Melville, Agent, to address the committee.

“My client is seeking to create their forever home in Newmarket having lived there for 15 years and being locally employed in the horse racing industry. 116 Ashley Road is a dwelling that is of its time in terms of design, materials, and construction. The last occupant lived in the property until she passed away and it is in extremely poor condition, requiring extensive works to make it habitable. Demolition and rebuilding of property allows us to create a sustainable home which would accord with East Cambridgeshire District Council declaring a climate emergency and help the local authority deliver modern housing stock in its District, which mitigates climate change. From their time renting the neighbouring property, 118 Ashley Road, the applicant would like to replicate its characteristics and design in their proposals for 116. We can deliver a large proportion of the proposal using permitted development rights afforded to the existing dwelling but in terms of viability and sustainability this approach would not be effective or efficient. As part of the planning application process, an assessment was made of the Ashley Road street scene and it was noticeable that there is a significant level of variation in terms of design in each dwelling, this includes a range of storey heights, from single storeys through to 1½ and 2 storey dwellings. In addition, variations in the orientation of ridge lines and the overall roof forms are apparent as well. There are no set materials apparent along Ashley Road, with each plot displaying its own variation in materials used; meaning it is reasonable to suggest that there is no one characteristic that dominates the street scene. The conclusion was also made within the Officer’s report for the approved application of 106 Ashley Road which is for a loft conversion which increased the ridge heights of the existing dwelling; that report detailed that Ashley Road is considered to have a mixed street scene with a mixture of bungalows and 2 storey dwellings at different heights and designs. That proposal increased the roof heights from 2.5m to 3.4m which is an increase

of approximately 90cm, for comparison, the proposed increase of 116 would be 48cm. As part of the design process for the proposal before us, all of those aspects have been taken into consideration, as can be seen through the proposed footprint, heights, materials, and the articulation achieved withing the designs to create a proposal that is sympathetic to existing street scene. Whilst taking into consideration the dog leg within the plots where the bungalow sits which limits possible variations in design. The proposal before us is the most efficient design, in balancing the use of the plots against protecting the amenity of neighbouring properties and achieving the standards required by current building control regulations. The proposed footprint is also in keeping with other dwellings along Ashley Road, this is seen through the extent of the proposed footprint being in line with the existing build lines for 118, for example, the proposal extends no further into the back garden than the extents of the attached neighbour. We have matched the eve sites and we have replicated the layout of the attached neighbours' property within our designs as well. The proposed ridge height is lower than that of the adjacent dwellings, such as 120 Ashley Road, it is lower than the ridge height proposed in the previous detached version, which was at a height considered acceptable by the planning department and is at the minimum height required by the current building control regulations. Furthermore, the existing chimney provides the vertical elements on the roof line that forms a break in the transition between the two properties, which would soften any noticeable difference between them. Notwithstanding that, a similar pallet of materials has been proposed, render over brick elevations and slate roof tiles, which would further reduce any perceived differences between the two properties. By Councillor approving these proposals, a dwelling that meets modern dwellings standards can be achieved which is of a size and scale that accords with the existing dwellings in this location. Furthermore, it would support the applicants' need to continue to live and work in Newmarket."

The Chair invited Members to ask questions of James Melville.

In response to several questions from Cllr Lay, James Melville confirmed that 118 Ashley Road did not include an extension and was a 1½ storey dwelling by way of an added room located in the roof, with a footprint of 168sqm (1808sqft). The footprint of the proposed dwelling would be 189sqm (2000sqm) but currently stood at 80sqm. Properties along Ashley Road consisted of single storey, 1½ storey and 2 storey properties with a variation of footprints:

- Proposed dwelling 189sqm
- 124 Ashley Road 187sqm
- 122 Ashley Road 178sqm
- 120 Ashley Road 170sqm
- 114 Ashley Road 105sqm
- 112 Ashley Road 190sqm

Cllr Trapp commented that 118 Ashley Road and 116 Ashley Road currently had the same roof line, due to the fact that 116 had installed a Velux window in the roof therefore why was the proposed roof of 118 Ashley Road

considerably higher. James Melville explained that the increase in height was due to current building regulations which pushed the ridgeline higher. Permitted development rights could have been used but the property was in such a poor state of repair that this would not have been effective, due to mould and asbestos being present.

James Melville confirmed that the applicants currently rented 118 Ashley Road.

The Chair invited Cllr Lay, Ward Councillor, to address the Committee.

“When you look at the whole length of Ashley Road, one of the lovely things about the road, is the difference between all the dwellings coming out of Suffolk and into East Cambs. It is one of the loveliest roads we have in Newmarket and its characteristics are that of houses that have been built by individual owners and have been developed in one way or another to change the aspect of those properties. I cannot see any just reason for turning down this application because what we have at the moment is a building, under normal circumstances, should be taken down because it is not fit for habitation. So, my view is that basically this is not so out of kilter with the rest of the properties on Ashley Road, that we as a committee should turn it down, I think we should agree to this application going forward and I would propose that we accept the application because it will replace a property that nobody could live in at the moment.”

Cllr Goodearl raised a point of order and stated that Cllr Lay was pre-determined and therefore should not continue and he made a proposal which was not appropriate.

The Chair agreed with Cllr Goodearl’s point of order and informed Cllr Lay that it appeared he was pre-determined on the item, therefore he should have raised this earlier under Declaration of Interest and stated he would speak on the item and leave the room for the rest of the item. Cllr Lay agreed to act in accordance with the Chair.

The Chair invited Members to ask questions of Cllr Lay.

In answer to a question from Cllr Trapp, Cllr Lay agreed that the properties in this particular part of Ashley Road were quite uniform.

Cllr Lay left the Council Chamber for the remainder of the item.

The Planning Officer reiterated that Officers were not opposed to the demolition and replacement of the existing dwelling, nor to the improvements to its visual amenity or the introduction of a 1½ storey dwelling but the concern was regarding the additional height and overall design of the proposed new dwelling in relation to the adjoining dwelling and the impact this would have on the character and appearance of the street scene. The original application submitted had been for a detached dwelling which was of a greater height than the current application, Officers were satisfied that the

increase in height of the detached dwelling would have been acceptable given that there was some variation in the heights within the street scene, however, under the current application for a semi-detached property it was necessary to look at the adjoining property and it was considered that the additional height would be harmful to the character and appearance of the street scene.

In response to a question from Cllr Huffer, the Planning Officer explained that Officers had no concerns regarding the height of the previously submitted detached property, but it was the overall scale and design that officers had concerns with.

Cllr Goodearl proposed the Officer's recommendation for refusal explaining that although the existing dwelling was not fit in live in and required an upgrade, it still needed to suit and support the surrounding dwellings. Cllr Wilson seconded Cllr Goodearl's proposal.

Cllr Huffer agreed with Cllrs Goodearl and Wilson and stated that she also supported the Officer's recommendation for refusal.

The Chair added that the street scene did have various types of dwellings but with regard to semi-detached properties, there was an obligation to keep the two dwellings at an identical height.

It was resolved unanimously:

- i) That the planning application ref 23/00877/FUL be REFUSED for the following reason:
The proposed replacement dwelling, due to its height, roof alignment and overall form, would visually dominate the existing semi-detached dwelling that it would be joined to, to the detriment of the visual amenity of the semi-detached pair. The dwelling, by virtue of its significant footprint, height, and overall design, is considered to be out of keeping with the existing character and appearance of the development within the wider street scene, appearing incongruous within its setting. The proposal is therefore contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan as well as the aims of the National Planning Policy Framework.

81. 23/01338/OUM – Land at Cambridge Road, Stretham

Holly Chapman, Senior Planning Officer presented a report (Y187, previously circulated) recommending approval for outline planning permission for the erection of up to 83 Affordable Homes with associated access, parking and landscaping with all matters reserved except for means of access and updated Members to the following minor changes within the report, of which neither change affected the recommendation:

- 7.4 of the report should read 'allowed' and not 'dismissed'
- 7.13 of the report should read 'households' and not 'individuals'

Members were shown slides of the location, proposal, highway works, planning history and site photos.

The main considerations for the application were deemed to be:

- **Principle of Development** – The application site is located outside the development envelope and was a 100% affordable housing rural exception site for up to 83 units. There had been a need identified for affordable housing in Stretham and Little Ely. The application complied with the objectives of Policy HOU4 and therefore GROWTH2. Contributions would be provided regarding education and libraries in accordance with GROWTH3.
- **Access and Highway Safety** – The on and off-site highway works was to mitigate the impact of the development. An identical highways scheme has been approved under LPA Ref. 22/00180/OUM and 23/00712/OUM. The County Council's Highways Authority and Transport Assessment Team raised no objections in terms of highway safety or sustainability. The site provided capacity for on-site parking in accordance with Policy COM8.
- **Indicative Layout and Visual Amenity** – This was supported by a Landscape Visual Impact Assessment. There would be adverse landscape impact during construction and completion, with the impacts diminishing with the establishment of the site and mitigative planting. The site was capable of accommodating change and the detailed design scheme could compliment the local distinctive character. Long term impacts of the development were not significant at local, national, or county scales.
- **Residential Amenity** – A number of dwellings (plots 1-54) would require Mechanical Ventilation and Heat Recovery (MVHR) systems to mitigate noise impacts from the A10 highway. All dwellings proposed to be constructed in accordance with Passivhaus (passivehouse) principles. The use of MVHR/Passivhaus principles to mitigate noise was established at appeal (22/00180/OUM) and the MVHR would address any noise concerns from nearby kennels and ensure the operation of business was not unnecessarily restricted due to noise complaints.

In summary, the scheme would achieve significant benefits in bringing forward a wholly affordable housing scheme to meet robustly evidenced locally identified need, contribute to district-wide need for affordable housing with a variety of tenures indicated. The dwellings themselves would be built to sustainable Passivhaus principles, which would likely result in a development with low energy usage. These factors together would carry substantial positive weight, primarily in social benefits. Furthermore, there would be economic benefits, through local spend by future occupiers, thereby helping to sustain the village. Mechanical ventilation is an accepted mitigative measure to address residential amenity concerns. The scheme would be expected to secure net gains in biodiversity, in-line with current national and local policy, and would introduce highway upgrades which would likely also provide some very modest benefit to existing nearby

residents on the western side of the A10 highway. It is likely a detailed scheme could come forward which would positively respond to the built environment of Stretham and would not result in significant harm in the long term to the character of the countryside. Whilst the development could have potential significant harm to the immediate locality in the short term, in the long term with the establishment of mitigative planting, any resulting adverse impacts upon the landscape character and settlement at a local, county and national scale (which are likely to be at a low level) are also considered to be outweighed by the benefits of delivering a 100% affordable housing scheme to meet an evidenced local need, which itself is afforded significant weight in the decision-making process.

The Chair invited Laura O'Brien, Agent, to address the committee.

“The application before you seeks approval for 83 affordable homes and follows a previous approval for 38 similar homes on broadly the same site. The scheme is brought forward in association with Stonewater Housing Group, a registered affordable housing provider who will be developing the site. The scheme has been developed in consultation with the Council's Planning and Housing Officers and in order to achieve the best mix of affordable housing tenures to meet local housing needs informed by both the Council's Housing Register and the Local Housing Needs Survey specifically undertaken for the villages of Stretham and Little Thetford. The development will be entirely affordable but will incorporate a mix of tenures to meet demand; this will comprise of 42 rented homes, 16 shared ownership homes and 25 rent to buy homes. The demand for rent to buy tenure was specifically identified by the Local Housing Needs Survey providing a pathway to home ownership by giving a 20% discounted rent to allow residents to save for a deposit, with an option to buy their home outright or a shared ownership within five years. The proposed mix of tenures, including shared and full homeownership will ensure that the development promotes social cohesion and provides housing options for a wide range of local people. The Officer's report sets out in detail the clear and significant need for affordable housing in the borough and more generally in the Parish of Stretham specifically. As part of Stonewater's commitment to building sustainable homes for the future within the development will be constructed following Passivhaus principles, as previously mentioned, to provide highly energy efficient home that will in turn provide low energy and water costs for future residents. We note that there are no objections to the proposal from statutory consultees, including the Highways Authority and the Lead Local Flood Authority. Furthermore, the application has received significant support from local residents including 70 comments from people who wish to support affordable housing in the area. In addition, CIL contributions to the application are already agreed to make substantial 106 contributions towards education, libraries, and open space enhancements. To conclude, we believe that this is an excellent scheme, and we trust that you will follow your officer's recommendations and approve.”

The Chair invited Members to ask questions of Laura O'Brien.

Cllr Huffer asked how residents would be able to cross the busy A10 highway in order to access the schools, doctors and shops and stated that she could not support the application when residents would need to ‘take their life in the hands’ to cross the A10.

In answer to a question from Cllr Wilson, the Agent confirmed that Stonewater Housing Association would manage the affordable housing and the Planning Manager confirmed that the Section 106 ensured the properties were retained as affordable housing properties in perpetuity.

Cllr Trapp approved of the housing be built to Passivhaus standards but had concerns regarding the continuous flow of traffic along the A10.

The Chair asked if the development would receive certification in regard to the Passivhaus principles as this would enable the Council to check that standards had been adhered to. The Senior Planning Officer explained that the conditions only imposed the Passivhaus principles and not the standards and therefore did not require certification. It was also confirmed that there would be a play area on the development. The Senior Planning Officer clarified that there had been no technical objections to this scheme with regard to transport and highways and there was no proposal for traffic lights on the A10. It was also confirmed that all statutory consultees had been consulted.

In response to a question from Cllr Lay, the Senior Planning Officer confirmed that housing would be offered to local residents initially before being offered to the wider parishes and then further out.

Cllr Goodearl asked why a Highways representative had not attended the meeting as he had significant concerns with the crossing of the A10 and that during the site visit earlier in the day, Members were unable to cross the road, and this was not at peak travel time. The Planning Manager reiterated that no objections had been received from Highways and as Planning Officers were not experts in highways, the Planning Officer had consulted both the Highways Teams on more than one occasion. The Planning Manager pointed out to Members that there were no technical highways objections and permission had been granted on the two previous occasions, therefore a refusal would need to explain the difference that 83 dwellings made to the agreed 30+ on site.

Cllr Goodearl stated that the two previous applications had not come before the committee and Members were of the opinion that the road was unsafe, he therefore proposed a postponement until discussions could take place with highways regarding their decision. The Planning Manager advised that Highways could not be forced to attend Planning Committee meetings, but an alternative option would be to request a third party to carry out an independent traffic assessment.

Cllr Huffer seconded the proposal made by Cllr Goodearl to defer the item until further information was received. Cllr Huffer added that she fully supported affordable housing but could not support the current application.

Cllr Whelan added that it was her experience that the traffic was fast and busy along that section of the A10, with cars travelling 50-60mph instead of the enforced 40mph. Cllr Whelan was concerned with the potential amount of people attempting to cross the road, it would result in a major traffic collision. The queue to the nearby roundabout was heavy and therefore she supported refusing the application on the grounds of safety, noise, and speed of vehicles.

The Chair explained he could not support an application that would expose over 200 people to the danger of crossing the A10, he agreed with Cllr Whelan and stated that his opinion was that the scheme was also damaging to the character of the area and hurtful to the views of the open countryside.

Cllr Trapp commented that the affordable housing would be built to a high standard and the application was a good scheme but he was concerned with the proposed access.

It was resolved unanimously:

- i) That the planning application ref 23/01338/OUM be DEFERRED for further information via a traffic report/assessment.
- ii) That the Planning Manager be delegated to arrange an independent traffic report/assessment on the safety of the proposed highways scheme and if it mitigates the additional number of houses from the 38 already approved. The application will then come back to committee once the traffic report/assessment information has been received.
- iii) That this request is made without prejudice to the final decision to be made by the Planning Committee.

82. Planning performance report – February 2024

David Morren, Interim Planning Manager, presented reports (Y188 previously circulated) summarising the performance of the Planning Department in February 2024.

It was resolved unanimously: That the Planning Performance Reports for February 2024 be noted.

The meeting concluded at 4:32pm

Chair.....

Date.....

23/01377/FUL

53 Commercial End

Swaffham Bulbeck

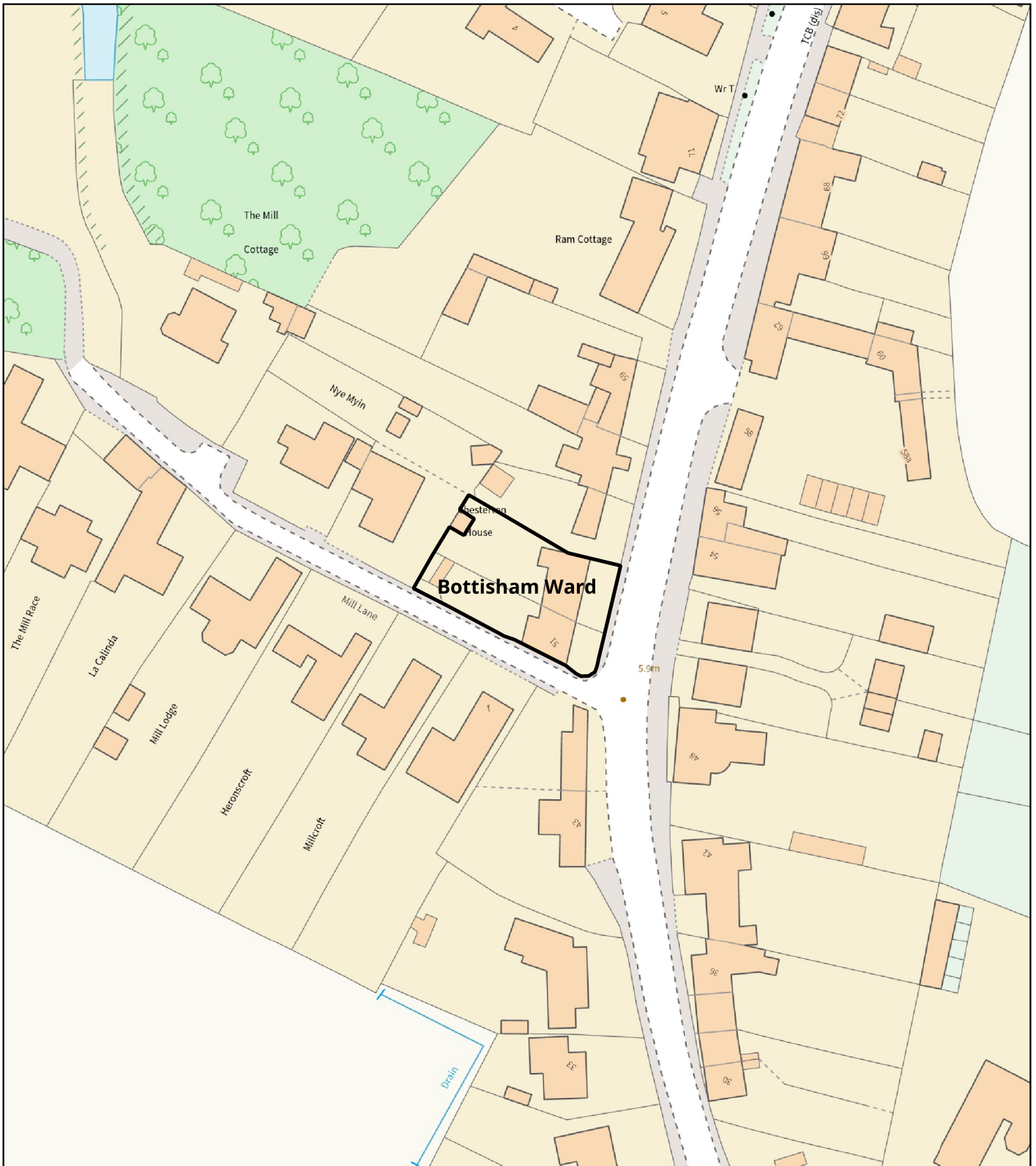
Cambridge

CB25 0ND

Single storey garage in rear garden (part retrospective)

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

<https://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S5UOYUGGI0300>



23/01377/FUL



53 Commercial End
Swaffham Bulbeck

East Cambridgeshire
District Council

Date: 22/042024
Scale: 1:1,000



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TITLE: 23/01377/FUL

Committee: Planning Committee

Date: 1 May 2024

Author: Planning Officer

Report No: Y162

Contact Officer: Rachael Forbes, Planning Officer
rachael.forbes@eastcambs.gov.uk
01353 616300
Room No 011 The Grange Ely

Site Address: 53 Commercial End Swaffham Bulbeck Cambridge CB25 0ND

Proposal: Single storey garage in rear garden (part retrospective)

Applicant: Mr James Askham

Parish: Swaffham Bulbeck

Ward: Bottisham

Ward Councillor/s: Charlotte Cane
John Trapp

Date Received: 8 February 2024

Expiry Date: 4 April 2024

1.0 RECOMMENDATION

1.1 Members are recommended to APPROVE the application subject to the recommended conditions summarised below: The conditions can be read in full on the attached appendix 1.

- 1 Approved Plans
- 2 Materials
- 3 Incidental Use

2.0 SUMMARY OF APPLICATION

2.1 The application seeks planning permission for a single storey garage in the rear garden. The proposal is part retrospective as it is partially constructed but is not complete.

2.2 The application has been called into Planning Committee by Cllr Trapp as the Parish Council object to the application (see full comments below in the responses from consultees section of this report, paragraph 5.0)

2.3 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 <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

3.1 None relevant

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is a pair of early C19 1½ storey cottages, now amalgamated as one, within the Commercial End conservation area. It is within the development envelope. The dwelling is situated on a corner plot with Mill Lane to the south and Commercial End to the east. The proposed garage sits along the southern boundary of the site adjacent to Mill Lane.

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.

Parish - 8 March 2024

'The Parish Council have significant concerns over this application, mainly that the construction does not appear to be consistent with the application, therefore wish to object. The Parish Council also wish that should the planning officer be minded to approve that the application be called to the planning committee.'

Ward Councillors - No Comments Received although the application was called-in by Councillor Trapp.

Conservation Officer - 27 February 2024

'The application site is a pair of early C19 1½ storey cottages, now amalgamated as one, within the Commercial End conservation area. It is one of many such houses in the village, which date from the planned development of Commercial End as an agricultural processing and distribution centre by Thomas Bowyer in the early C19.

The garage has been built along the south-western site boundary, parallel to Mill Lane, and although it is visible in oblique views from the main street, it is of a generally appropriate scale for an outbuilding, and the finishing materials proposed will be compatible with its surroundings. Overall, the scheme is not considered to have an adverse impact on the character of the wider conservation area.

Recommendation: no objection.'

ECDC Trees Team - 14 March 2024

'This application involved the pre-emptive removal of several evergreen trees via the submission of a section 211 notification but as the site photos indicate that a replacement deciduous species boundary hedge has been planted with will be in keeping with the area there are no tree related objections to this application.'

Enforcement Section - No Comments Received

Local Highways Authority - 29 February 2024

'Upon reviewing the plans and information submitted as part of this application, I have no objections as none of the proposals include any changes that will materially impact the public highway.'

5.2 A site notice was displayed near the site on 16 February 2024 and a press advert was published in the Cambridge Evening News on 22 February 2024.

5.3 Neighbours – 8 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

There are three responses in support of the proposal. The comments are summarised below:

- When completed and finished with the proposed materials, I expect the new garage to result in further improvement of the site's appearance.
- The proposed structure seems in scale with other garages in Mill Lane
- No objection to the size and space of the new building and welcome the use of reclaimed local clay pantiles for the roof.
- Could the wall of the new building running parallel to Mill Lane be rendered and painted white to match the house and the road-facing walls of the Old Thatch at 43 Commercial End as the old wall in this location did?

There are two responses objecting to the proposal. The comments are summarised below:

- It does not look like it will be for the purpose of a garage.
- The building is a lot higher than any other outbuilding and is not in keeping with the property to which it belongs. The size of the new structure is not in keeping with the cottages that it is associated with or the general appearance of the area. The height is nearly twice that of the existing garage.
- Why Part Retrospective? I assume that a planning application may have been refused whereas with the building partly completed the chances of refusal may be reduced or altered rather than declined.
- The building is not replacing any existing double garage, in fact the original double garage is still in place.
- Why would you have two large windows in a garage? Why would you place 6" of insulation in the floor of a garage and why would the floor height of the garage entrance be 8-10" above ground level.

- I believe that this will be a workshop and not for DIY but for a commercial purpose which would create excessive noise.

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015 (as amended 2023)

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 11	Conservation Areas

6.2 Swaffham Bulbeck Neighbourhood Plan 2023

Policy SWB 1	Swaffham Bulbeck development envelope
Policy SWB 4	Swaffham Bulbeck built environment character
Policy SWB 12	Delivering sustainable design

6.3 Supplementary Planning Documents

Design Guide
Climate Change SPD

6.4 National Planning Policy Framework (December 2023)

- 2 Achieving sustainable development
- 4 Decision-making
- 12 Achieving well-designed and beautiful places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 16 Conserving & enhancing the historic environment

6.5 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main considerations in the determination of this application are visual amenity and impact on the heritage assets, residential amenity and climate change.

7.2 Visual Amenity and Impact on the Heritage Assets:

7.2.1 53 Commercial End is situated in the Swaffham Bulbeck Conservation Area.

7.2.2 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.

- 7.2.3 Policy ENV 11 of the ECLP states that development within a Conservation Area should be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of the area.
- 7.2.4 Policy ENV 1 of the ECLP states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV 2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.
- 7.2.5 Policy SWB 4 (Swaffham Bulbeck built environment character) states that a designed approach should be taken for all proposals and applicants should be guided by the local Swaffham Bulbeck context (including the built form, building heights, existing low densities, building materials etc) as described in the plan and in the accompanying Landscape Character Assessment. Development proposals in or in the setting of the Conservation Area will be expected to conserve or enhance the quality of the street scene and be in keeping with, or complement, existing historic buildings.
- 7.2.6 The application seeks planning permission for the erection of a single storey garage in the rear garden of 53 Commercial End. The application has been described as part retrospective as the building has been started but has not yet been completed. While the part retrospective nature of the application is not material to the consideration of the merits of the proposal, it is understood that the application is part retrospective due to a miscommunication/misunderstanding between the applicant and Building Control and the applicant thought the proposal was permitted development.
- 7.2.7 The proposed garage would be situated approximately 1 metre from the southern boundary of the site. The proposed garage would be approximately 4.3 metres (14.10ft) in height, 4 metres (13.1ft) in width and 8 metres (26.2ft) in depth. It is proposed that the garage would be finished in black feather edge timber boarding and reclaimed clay pantiles to match the roof of the main dwelling.
- 7.2.8 There has been concern raised in local consultation responses in respect of the scale of the garage (however, it should also be noted that there has been support in respect of this element too). The concern is that the building is a lot higher than any other outbuilding and is not in keeping with the main dwelling or the general appearance of the area and that the height is nearly twice that of the existing garage.
- 7.2.9 The Design Guide SPD states that garages should ideally be positioned to the side or rear of a dwelling and therefore the proposed garage complies with that guidance. It goes on to say that outbuildings should be of the minimum size necessary and that the building should take account of the location in which it is to be set. This will affect its design, size, location, and finishing materials. It should not compete in any way, with the host dwelling.
- 7.2.10 When viewed from Commercial End, it is considered that the proposed garage would not be a prominent feature in the street scene and when approaching along

Mill Lane from the west, the garage is not visible until relatively close to it. In respect of scale, the Local Planning Authority (LPA) would expect a garage to be a minimum 3 metres (9.8ft) in width and 6 metres (19.6ft) in depth internally so as to be large enough to accommodate a car. Although this garage does exceed those measurements, it does not do so excessively. When looking at the plans provided, the footprint of the garage is considered to be proportionate to the scale of the plot and to the scale of the main dwelling. The garage is also subservient in height to the main dwelling. However, it is considered that the height of the garage contributes to the quality of the design as the roof pitch gives the garage a traditional appearance. If the height was lower, it would slacken the pitch resulting in a less attractive design. It should also be noted that existing garage at the site (not the partially completed garage subject of this application) is very small, in poor condition and it is unlikely to be able to house a car.

- 7.2.11 As the site is within the Swaffham Bulbeck Conservation Area, the Council's Conservation Officer has been consulted. The Conservation Officer has commented that although the garage is visible in oblique views from the main street, it is of a generally appropriate scale for an outbuilding, and the finishing materials proposed will be compatible with its surroundings. He has concluded that overall, the scheme is not considered to have an adverse impact on the character of the wider conservation area.
- 7.2.12 While each application must be considered on its own merits, there has been comments made that the building is a lot higher than any other outbuilding and is not in keeping with the main dwelling or the general appearance of the area. There is a garage at 54 Commercial End (also a cottage) which is set back in the site but visible from the street scene. According to the officer report for this application (18/01157/FUL) that garage is 3.78 metres (12.4ft) to the ridge, 3.7 metres (12.1ft) in width and 8.85 metres (29.0ft) in depth. These measurements are very similar to the proposed garage. Further to this, the materials are timber boarding and a pantile roof. That garage also has fenestration; a window and four rooflights. It is therefore considered that the proposed garage does not exceed the height of every other outbuilding and would not be out of keeping with the character and appearance of the area.
- 7.2.13 The Parish Council have stated that they have significant concerns over this application, mainly that the construction does not appear to be consistent with the application. However, it is not clear whether this relates to the building itself or the use. The use will be discussed in the 'other matters' section of this report. However, officers have visited the site and taken measurements and are content that the plans are consistent with the building at the site.
- 7.2.14 It is considered that the proposal would have a neutral impact and would not result in harm to the character of the Conservation Area, and this has also been concluded by the Council's Conservation Officer. It is considered that it would be reasonable and necessary to condition the use of the materials proposed to ensure a high-quality finish. The proposal is therefore considered to comply with Policies ENV 1, ENV 2 and ENV 11 of the East Cambridgeshire Local Plan, 2015 (as amended) and Policy SWB 4 of the Swaffham Bulbeck Neighbourhood Plan.

7.3 Residential Amenity

- 7.3.1 Policy ENV 2 of the ECLP states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 7.3.2 The proposed garage is set away from the boundary with the immediately adjacent property, Chesterton House. It is considered that given this, the proposal would not result in an overshadowing or overbearing impact to the neighbouring dwelling.
- 7.3.3 The garage doors are on the elevation facing towards Chesterton House, however, the proposed windows are all on the elevation of the garage which faces into the garden of the application site. It is therefore considered that the proposal would not result in any significant adverse overlooking impacts.
- 7.3.4 There has been concern raised that this will be a workshop for a commercial purpose which would create excessive noise. This is not what has been proposed. If the garage were to be used for a commercial purpose, this would be a change of use which would require planning permission in its own right. The use of the garage for domestic purposes is not considered likely to result in any unacceptable level of noise. Therefore, it is considered that the proposal would not result in excessive noise detrimental to the amenity of neighbouring occupiers.
- 7.3.5 It is considered that the proposal would not result in a significant adverse impact to the amenity of neighbouring occupiers and is therefore considered to comply with Policy ENV 2 of the East Cambridgeshire Local Plan, 2015 (as amended).

7.4 Climate Change

- 7.4.1 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.'* The adopted Climate Change SPD encourages all development to include sustainability measures within their proposal.
- 7.4.2 Policy SWB 12 of the Swaffham Bulbeck Neighbourhood Plan states that all proposals must be accompanied by a sustainability statement. While this has not been submitted, it is considered that due to the scale of the proposal, many of the points that the statement is expected to cover such as minimising water usage and waste management would not be relevant. The most relevant point in the policy is how the choice of building materials is appropriate. The proposal sets out that the pantiles will be reclaimed as will the timber barn doors.
- 7.4.3 The proposal complies with the relevant part of Policy SWB 12 as it incorporates the use of reclaimed materials. In respect of Policy ENV 4, this would be sufficient to meet the aims and objectives of the policy. It is considered that given the scale of the development proposed and the use of the building, incidental to the main dwelling that the proposal would not be contrary to the aims and objectives of these policies.

7.5 Other Matters

- 7.5.1 The Trees Officer has confirmed that the application involved the pre-emptive removal of several evergreen trees via the submission of a section 211 notification but as a replacement deciduous species boundary hedge has been planted with will be in keeping with the area. Therefore, there are no tree related objections to this application.
- 7.5.2 The Local Highway Authority have raised no objections to the proposal as none of the proposals include any changes that will materially impact the public highway.
- 7.5.3 Comments have been received as to why the application is part retrospective with the suggestion that this is because a planning application may have been refused whereas with the building partly completed the chances of refusal may be reduced or altered rather than declined. It is understood that there was a miscommunication/misunderstanding and the applicant thought the proposal was permitted development. Notwithstanding the reason that the application is part retrospective, this does not form a material consideration in the planning application. The application is assessed in the same way as any other and if it is unacceptable, it would have been recommended for refusal.
- 7.5.4 The description of the proposal is for a garage but it is noted that in other documents, the building is referred to as a studio/workshop. If the outbuilding was built and used as a garage, no change of use would be required to use it as a studio/workshop as they are all incidental uses to the main dwelling. Therefore, the LPA would not object to the building being used incidentally to the dwelling and if it was not to be used in this manner, then a change of use may be required. Notwithstanding this, it is considered that it would be reasonable to impose a condition that the building is only to be used incidental to the host dwelling
- 7.5.5 Concern has been raised regarding the use of the outbuilding and why in a garage there would there be two large windows, insulation in the floor and the floor height of the entrance be above ground level. Given their variety of potential domestic uses, garages routinely incorporate windows. In respect of the floor height, there is a brick plinth under the space where the doors will be so it may be that the land will be built up to this height if a car is to be stored in the garage.
- 7.5.6 A time limit condition is not necessary as development has already commenced.

7.6 Planning Balance

- 7.6.1 The proposal seeks planning permission for a garage in the rear garden of 53 Commercial End. While there has been some local objection to the application, there has also been local support. It is considered that the proposed garage would not result in harm to the character and appearance of the Conservation Area and this is also the view of the Council's Conservation Officer. The garage would not cause any harm in respect of highway safety or residential amenity. It is considered that the proposal complies with all other material planning considerations and is therefore recommended for approval.

8 APPENDICES

8.1 Appendix 1 – recommended conditions

Background Documents

23/01377/FUL

National Planning Policy Framework - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East-Cambridgeshire-Local-Plan-2015-<http://www.eastcambbs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf> -

Appendix 1: recommended conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
Elevations		05.02.2024
Location Plan		05.02.2024
Block Plan		05.02.2024
Roof and floor plans		05.02.2024
Materials Schedule		18.04.2024

- 1 Reason: To define the scope and extent of this permission.
- 2 The materials to be used in the construction of the external surfaces of the development shall be either:
 - a. In accordance with the materials schedule; or,
 - b. Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.

All works shall be carried out in accordance with the approved details.

- 2 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 3 The outbuilding hereby approved shall be used for purposes incidental to the residential use of the main dwelling, known as 53 Commercial End, Swaffham Bulbeck, CB25 0ND.
- 3 Reason: In the interests of defining the planning permission and protecting the future usage of the building in line with Policies Growth 5 and ENV2 of the East Cambridgeshire Local Plan, 2015 (as amended).

Planning Performance – March 2024

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
Determinations	144	3	20	28	11	32	50
Determined on time (%)		100% (90% within 13 weeks)	85% (80% within 8 weeks)	100% (90% within 8 weeks)	100% (90% within 8 weeks)	81% (80% within 8 weeks)	100% (100% within 8 weeks)
Approved	131	3	16	25	9	31	47
Refused	13	0	4	3	2	1	3

Validations – 95% validated within 5 working days (ECDC target is 85%)

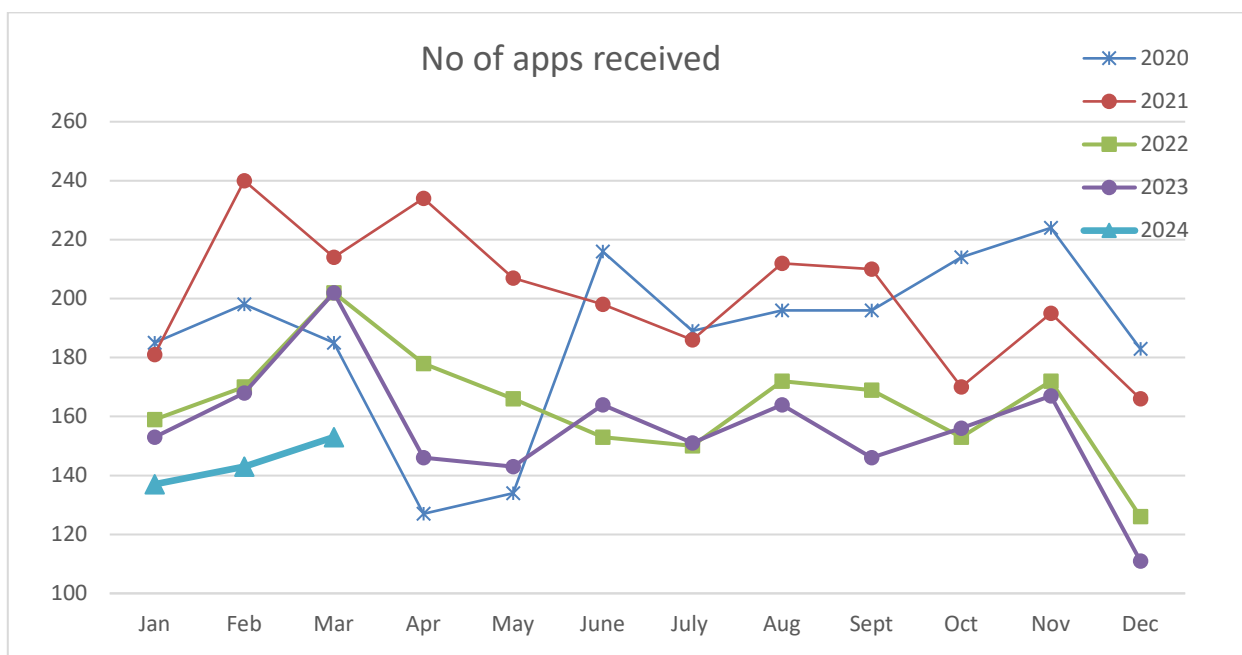
	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Validations	133	3	24	41	10	21	34

Open Cases by Team (as at 16/04/2024)

	Total	Major	Minor	Householder	Other	DIS /NMA	Trees
Team 1 (3 FTE)	72	10	8	13	18	23	0
Team 2 (3 FTE)	113	9	33	21	17	33	0
Team 3 (3 FTE)	105	11	27	15	13	39	0
Team 4 (2.8 FTE)	114	5	18	26	26	39	0
No Team (3.4 FTE)	38	0	0	0	5	3	30

(No Team includes – Trees Officer, Conservation Officer and Office Team Leader)

The Planning department received a total of 153 applications during March which is 24% decrease of number received during March 2023 (202) and 7% increase to the number received during February 2024 (143).



Valid Appeals received – 6

Planning reference	Site Address	Decision Level
23/00773/OUT	Land East Of Mill Drove Farm Mill Drove Soham	Delegated
23/01218/FUL	Land North And East Of 208 Fordham Road Newmarket	Delegated
23/01270/FUL	Land South West Of 172 Mildenhall Road Fordham	Delegated
23/01346/FUL	2 Sand Lane Aldreth	Delegated
23/01348/OUT	Land Adjacent 87 The Butts Soham	Delegated
23/01383/OUT	Land West Of Oak House Barway Road Barway	Delegated

Appeals decided – 2

Planning reference	Site address	Decision Level	Appeal Outcome
23/00022/FUL	30 Camel Road Littleport	Delegated	Dismissed

Upcoming Hearing dates – 0

Enforcement

New Complaints registered – 22 (0 Proactive)

Cases closed – 14 (1 Proactive)

Open cases/officer (2.6FTE) – 186 cases (17 Proactive)/2.6 = 72 per FTE

Notices served – 0

Comparison of Enforcement complaints received during March

Code	Description	2023	2024
ADVERT	Reports of unauthorised adverts	0	1
COND	Reports of breaches of planning conditions	1	4
CONSRV	Reports of unauthorised works in a Conservation Area	0	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
LEGOR	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	6	8
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	2	5
PRO	Proactive cases opened by the Enforcement Team, most commonly for unauthorised advertisements and expired temporary permissions	0	0
UNTIDY	Reports of untidy land or buildings harming the visual amenity	0	0
USE	Reports of the change of use of land or buildings	1	2
TOTAL		10	22