



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee  
held in the Council Chamber, The Grange,  
Nutholt Lane, Ely on Wednesday, 3<sup>rd</sup> October 2018  
at 2.02pm

### **P R E S E N T**

Councillor Joshua Schumann (Chairman)  
Councillor Derrick Beckett  
Councillor Paul Cox  
Councillor Lavinia Edwards  
Councillor Neil Hitchin (Substitute for Councillor Christine  
Ambrose Smith)  
Councillor Bill Hunt  
Councillor Mike Rouse  
Councillor Stuart Smith  
Councillor Lisa Stubbs (Substitute for Councillor Mark  
Goldsack)

### **OFFICERS**

Maggie Camp – Legal Services Manager  
Oli Haydon – Planning Officer  
Barbara Greengrass – Planning Team Leader  
Catherine Looper – Planning Officer  
Janis Murfet – Democratic Services Officer  
Rebecca Saunt – Planning Manager

### **ALSO IN ATTENDANCE**

Councillor Julia Huffer (Agenda Item No. 8)  
Approximately 20 members of the public

#### **67. APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Sue Austen, Christine Ambrose Smith, David Chaplin and Mark Goldsack.

It was noted that Councillor Neil Hitchin would substitute for Councillor Ambrose Smith, and Councillor Lisa Stubbs for Councillor Goldsack for the duration of the meeting.

#### **68. DECLARATIONS OF INTEREST**

Councillor Stubbs declared an interest in Agenda Item No. 6 (18/00609/FUM, New dwelling at 91 The Row, Sutton), being a Ward Member for Sutton. She said that she was open minded about the application; she had not taken part in any discussions or attended any meetings where the proposal was discussed.

**69. MINUTES**

It was resolved:

That the Minutes of the meeting of the Planning Committee held on 5<sup>th</sup> September 2018 be confirmed as a correct record and signed by the Chairman.

**70. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- The Conservation Officer had left the Authority and the post was out to advertisement;
- Today was Oli Haydon's last attendance at Planning Committee, as he was leaving the Authority. On behalf of Members, the Chairman sincerely wished Mr Haydon all the very best for the future and congratulated him on the style and flair with which he had presented his cases; the ECDC doors would always be open to him.

**71. 18/00609/FUM – LAND REAR OF MEADOW VIEW INDUSTRIAL ESTATE, REACH ROAD, BURWELL**

Oli Haydon, Planning Officer, presented a report (reference T108, previously circulated) which sought consent for a change of use from B8 to B2 and 15 light industrial (B2) starter units, with associated car parking, drainage and cycle parking.

The site was located within the development envelope for Burwell, adjacent to the BUR2 employment allocation for B1/B2 use. It was currently used as a transport storage area, with concrete hardstanding and existing fencing and a gated entrance. The site formed part of a larger industrial estate, comprising a range of uses and operations. The edge of the site was located in Flood Zone 2, with the area to the east located in Flood Zone 3.

It was noted that the application was to be determined at Planning Committee due to the constitutional requirement for major employment applications to be decided in this manner.

A number of illustrations were displayed at the meeting, including a map, an aerial image, a site plan of the proposal, elevations and a photograph of the street scene.

The main considerations in the determination of the application were:

- Principle of Development;
- Residential Amenity;
- Visual Impact;

- Highway Safety & Parking; and
- Flood Risk and Drainage.

The site was located within the Burwell development envelope and adjacent to the BUR2 employment allocation for B1/B2 use. The applicant had sought pre-application advice and a positive response was provided. There was a further employment allocation (BUR3) beyond the site to the south-east. It was therefore considered that the principle of development was acceptable for such a proposal.

The impact on residential amenity would be minimal due to the isolation from nearby residential units and given the proximity of the adjacent industrial estate. The Environmental Health department was in accord with this and conditions regarding construction times and lighting schemes would be imposed to safeguard the amenity of any nearby occupiers.

With regard to visual amenity, it was considered that there would be a minimal impact as the site was located within the Meadow View industrial estate and between two employment allocations. The scale of the units were similar to those within the rest of the industrial estate and the existing palisade fencing that currently surrounded the site was to be retained.

It was noted that the site had an existing entrance point which was to be retained. There would be sufficient parking and lorry turning space, and cycle spaces would be provided in line with policy. The Local Highways Authority had raised no concerns with the use of the site for B2 units, the use of the existing access and any additional stress on the wider network.

A surface/foul water Drainage Strategy was submitted for the site and the Environment Agency had raised no concerns. A Flood Risk Assessment was also submitted with the scheme and no objections were raised.

In connection with other material matters, Members noted that there was a County Wildlife Site (CWS11) to the south of the site. As the application site was currently hardstanding and used by heavy goods vehicles for storage and manoeuvring, it was considered that there would be very limited biodiversity potential and the redevelopment of the site was unlikely to have an impact on its biodiversity value. A condition would be imposed to ensure the development incorporated biodiversity measures.

The Planning Officer said that the popularity of such light industrial units had been proven elsewhere in the District and the benefits of the proposal outweighed the limited identified harm likely to arise from the scheme; the application was therefore recommended for approval.

Councillor Edwards wished to know if 40 parking spaces were considered to be enough and she asked how many people were likely to be working on site at any one time. The Planning Officer replied that the number of spaces would be sufficient, and it was possible that not everybody would drive to work.

The Chairman reminded Members that the application was policy compliant and had only come before the Committee because the Council's Constitution required it.

It was proposed by Councillor Rouse and seconded by Councillor Edwards that the Officer's recommendation for approval be supported. When put to the vote,

It was resolved unanimously:

That planning application reference 18/00609/FUM be APPROVED subject to the recommended conditions as set out in the Officer's report.

**72. 18/00748/FUL – 91 THE ROW, SUTTON, CB6 2PB**

Oli Haydon, Planning Officer, presented a report (reference T109, previously circulated) which sought consent for the construction of a 1½ storey dwelling with single storey element to the rear of 91 The Row, Sutton.

On a point of housekeeping, Members were asked to note that the words '*mitigation and*' should be inserted before '*... improvements stated ...*' in Condition 7 in Appendix 1 to the report.

The site was located partially within the development envelope for Sutton. It was bordered by trees and formed part of the formal garden to the rear of the existing large dwelling at 91 The Row. The Row formed the southernmost extent of Sutton and Sutton Footpath No.1 lay along the western edge of the site, extending southwards into the countryside.

It was noted that Councillor Lorna Dupré had requested that the application be determined by the Planning Committee for the reasons set out in paragraph 2.3 of the Officer's report.

A number of illustrations were displayed at the meeting. They included a map, an aerial image, an indicative layout and elevations, and a photograph of the street scene.

The main considerations in the determination of the application were:

- Principle of Development;
- Residential Amenity;
- Visual Impact;
- Highway Safety & Parking; and
- Ecology and Trees.

As the Authority could not demonstrate an adequate 5 year supply of land for housing, housing applications should be assessed in terms of the presumption in favour of sustainable development. As the site was located in close proximity to the services and facilities on offer in the village and the wider transport links that were provided, the principle of residential development was considered acceptable.

The proposed dwelling would be located 20.5 metres from the host dwelling and there would be no directly overlooking windows to the north or east. It was considered that the separation distance was sufficient to avoid a

harmful overbearing impact on the host dwelling and to ensure a minimal loss of privacy for the applicant or future resident of the proposal. A Construction Environment Management Plan would be secured by condition and construction hours would be limited by condition to further protect residential amenity.

Members noted that The Row formed the southernmost edge of Sutton, with the high ridge that the village rested on falling away into open countryside beyond. It was characterised by punctuations into this sloping rural edge, with the interruptions in the linear form of development generally comprising agricultural operations and tracks leading to paddocks and open countryside beyond. Back-land development was commonplace along The Row.

A contextual analysis had been submitted with the application and further supported the overall acceptability of a dwelling on the plot. The proposed dwelling would be low in height and would not be visible from the street scene of The Row. It would have a relatively agricultural aesthetic and would appear so to users of the footpath alongside the site. Many of the existing trees were being retained and this would further assimilate the proposal into its peri-urban setting. A soft landscaping and boundary treatment scheme would be secured by condition. It was considered that the proposal was of a high quality design and would not cause significant and demonstrable harm to the character and appearance of the area.

The Planning Officer reminded the Committee that the proposal would be accessed via an existing track (Footpath No.1) which was outside the control of the Local Highways Authority. The County Council's Rights of Way Team were consulted and provided several comments relating to the use of the footpath for the dwelling's access. The 1980 Highways Act ensured that the footpath must remain open and unobstructed at all times and that building materials must not be stored on the surface or contractors' vehicles must not be parked on it. Furthermore, the footpath must not be used to access the development unless the applicant was sure they had lawful authority to do so.

Sufficient parking and turning was provided within the site in the form of a carport and driveway parking space, and the host dwelling retained its parking and turning arrangements.

With regard to other material matters, the Ecological Survey did not recommend further surveys; biodiversity mitigation measures, and a drainage scheme would be secured by condition, and the Trees Officer had raised no concerns.

On balance, the proposal represented a sustainable form of development on the edge of Sutton. While there would be an increased conflict between vehicles and pedestrians using the footpath, the benefits of the scheme were considered to outweigh the level of harm caused and the application was therefore recommended for approval.

At the invitation of the Chairman, Mr and Mrs Mayo each addressed the Committee and made the following points:

Mr Bruce Mayo:

- The Local Highways Authority had raised no objections but said it did not know who had the right of passage needed to widen it. The photograph of the street scene showed brick walls on either side of the track, one being his and the other belonging to the applicant. How would it be possible to widen the track to 5 metres?

Mrs Penny Mayo:

- The main concern was not the build itself but the consequences, because this was the access to the only public footpath in the village frequented by dog walkers;
- The farmer with the grain store owned the ransom strip. If he gave his permission, it would allow access to larger heavy goods vehicles;
- The proposal would have an unsafe, undesirable effect on the area;
- When HGV's were using the track, it would not be safe for pedestrians.

At the invitation of the Chairman, Mr Mark Tavare, agent, addressed the Committee and made the following remarks:

- He was from PiP Architecture and had been asked to design the family dwelling;
- A thorough analysis had been carried out and the context was mainly agricultural. The layout was more ad hoc;
- Three new dwellings had recently been approved, so the precedent was already set;
- The dwelling would be surrounded by mature trees, which would act as a screen;
- His client had access rights so this could be a primary parking area if access was removed from the track;
- The Local Highways Authority had no objections to the proposal;
- The proposal had been designed to suit the agricultural area.

Councillor Stubbs asked Mr Tavare about the current traffic movements along the track. He said he was unable to provide her with an exact number but the new dwelling would not change anything. The Planning Officer interjected to say that no Transport Assessment had been submitted but the applicant had said there were 3-4 agricultural movements per day and it was seasonal. The Chairman enquired whether this was enough to trigger concern, and the Planning Officer replied that it was not.

Councillor Beckett queried the width of the roadway, wall to wall. The Planning Officer reiterated that the Local Highways Authority was not recommending widening of the track because it was not within their remit. The Chairman reminded Members that this was a civil matter and subject to

negotiation by the relevant parties. The Planning Team Leader said that by her calculation, the hard surface was 2.8 metres wide with a grass verge on either side.

Councillor Hitchin remarked that he had not noticed anything requiring 2 vehicles to be able to pass each other. The Planning Manager replied that County Highways had advised it would be ideal, but a condition had not been requested. Highways were not objecting to the proposal and if anything was required, it had to be reasonable.

Councillor Smith highlighted that there had been two refusals on the site with subsequent appeals dismissed. In the light of this, he proposed that the Officer's recommendation for approval be rejected and the application be refused. The motion was seconded by Councillor Hunt who said that the comments from the Parish Council should carry great weight. The two refusals had both gone to appeal, nothing had changed, and enormous weight should be placed on the Inspector's views.

Councillor Beckett disagreed, saying that this was one of the few proposals that was within the development envelope. The Committee had approved quite a lot of buildings that could be considered backland development and he could not see where this one varied. The Inspector's comments were from some 14 years ago and a lot had changed since then. On balance, he could see no reason to refuse the application, and if it was approved, the existing road should be made good wall to wall, in the red line area up to The Row.

It was proposed by Councillor Beckett and seconded by Councillor Cox that the Officer's recommendation for approval be supported.

The Committee returned to the motion for refusal. When put to the vote, it was declared lost, there being 3 votes for, 5 against and 1 abstention.

The Committee next revisited the motion for approval. When put to the vote, it was declared carried, there being 7 votes for, 1 against and 1 abstention. Whereupon,

It was resolved:

That planning application reference 18/00748/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report, with the insertion of the words 'mitigation and' before improvements in Condition 7.

It was further resolved:

That the Planning Manager be given delegated authority, in consultation with the Chairman, to negotiate a suitable condition regarding the widening and making good of the existing track.

### **73. 18/00803/FUM – LAND AT BURY LANE, HADDENHAM**

Barbara Greengrass, Planning Team Leader, presented a report (reference T110, previously circulated) which sought permission for the erection of 24 dwellings with access from Bury Lane and the provision of 30% affordable housing, public open space and SuDs drainage. The

dwellings were located to the southern end of the site with the open space and SuDs drainage to the far north-west.

On a point of housekeeping, the Planning Team leader asked Members to note a correction to the figures relating to education contributions as stated in paragraph 7.10.3 of her report. They should read £27,693 for early years, £68,000 for primary, and £74,001 for secondary education.

The site was agricultural land currently in use for the keeping of horses and was well enclosed with hedgerows on all boundaries, but only sparsely on the eastern boundary where it was bounded by residential properties fronting Aldreth Road. Agricultural land lay open to the west and south, and along the northern boundary the site abutted Bury Lane which led to a drove accessing the agricultural land beyond.

The application had been called in to Planning Committee by Councillor Steve Cheetham as he objected to the residential development of the site for the reasons set out on page 11 of the Officer's report.

A number of illustrations were displayed at the meeting. They included a map, an aerial image, the layout of the site, building heights, and photographs of the street scene taken from Aldreth Road.

The main considerations in the determination of the application were:

- Principle of Development;
- Visual Impact;
- Housing Mix & Affordable Housing;
- Residential Amenity;
- Access & Highway Safety;
- Flood risk & Drainage;
- Trees Ecology & Archaeology; and
- Drainage.

The Planning Team Leader reiterated the Council's current inability to demonstrate a 5 year supply of housing land and said that at the heart of the National Planning Policy Framework (NPPF) was a presumption in favour of sustainable development.

Given the site's proximity to the established settlement boundary, the level of goods and services on offer in Haddenham and its designation as a large village in the settlement hierarchy, it was considered that the site was in a sustainable location. In accordance with the NPPF, the application should therefore be approved unless the adverse effects significantly and demonstrably outweighed the benefits.

Speaking of visual impact, the Planning Team Leader drew Members' attention to three photographs which illustrated how the entrance to Bury



Lane was expected to appear in a year's time and in 25 years. Whilst the new dwellings would change the open character of the site, given the limited views of the development, the mitigation proposed and the attention to scale and layout, it was considered that the scheme would not cause significant and demonstrable harm to this edge of settlement location. It was considered that the designs, scale and layout would give rise to a high quality development which would relate sympathetically to the surrounding area. The proposal would respect the local vernacular and create a quality new scheme with an area of public open space in excess of that required by the SPD. This would add to the quality of the residential environment by enhancing the public realm.

In connection with housing mix and affordable housing, it was noted that the proposal for 24 dwellings would provide for 30% affordable housing. While the mix of sizes was acceptable to the Senior Housing Strategy & Enabling Officer, the tenure was not and the desired tenure would therefore be secured by means of a S106 legal agreement.

There were a number of residential properties within close proximity of the application site and the development would clearly have an impact on their outlook and setting. There was likely to be an increase in activity from the occupants of the development, but the loss of a view was not a reason for refusal. It was considered that sufficient care had been taken in the siting, scale and orientation of properties to give acceptable relationships with the existing residential properties to the east. Soft landscaping had been incorporated along that boundary to mitigate any visual impact and the provision of single storey properties would enable some views to be retained. It was considered that future occupiers of the site would have sufficient separation distance, garden space and privacy between the dwellings.

Referring to the illustration of the Landscaping Plan, the Planning Team Leader said that the internal layout was considered to be acceptable. Anglian Water had requested that no dwellings be located within 15 metres of the sewage pumping station, as they would be at risk of nuisance. The applicant had submitted amended plans to demonstrate that this would be achieved.

The County Highways Authority had raised no objection but commented on aspects of the shared road surface being below adoptable standards; the Authority had confirmed that the road could satisfactorily accommodate a refuse vehicle. 17 visitor's spaces and two parking spaces per dwelling had been provided in appropriate locations within the development, and the proposal was therefore in accord with Policies ENV2 and COM7 of the Local Plan and LP22 and LP17 of the Submitted Local Plan.

With regard to flood risk and drainage, Anglian Water had confirmed that there was available capacity to deal with foul water drainage. The applicant had provided a Flood Risk Assessment and Drainage Strategy and the Lead Local Flood Authority had confirmed that it was acceptable.

There would be no significant adverse impact on trees or ecology, and the Historic Environment team were satisfied that the findings of the Archaeological Assessment would allow matters to be dealt with by condition.

In applying the 'tilted balance' it was considered that any adverse impacts of the development would not significantly and demonstrably outweigh the benefits of the proposal and the application was therefore recommended for approval.

At the invitation of the Chairman, Mr Trevor Carter addressed the Committee and made the following comments:

- He had serious concerns about the Visibility Impact document because he felt it totally misrepresented the impact on the landscape. He believed it to be misleading and inaccurate;
- The Document referred to Bury Road and not Bury Lane;
- Photographs of some of the locations in the document were wrongly captioned and he believed them to be irrelevant;
- He considered some of the sentences to be totally meaningless and he questioned what they actually meant;
- The developer had chosen photographs to show views in high summer and the hedges had not been cut since 2014. There were no winter views;
- The whole site would be visible.

At the invitation of the Chairman, Mr Justin Bainton, agent, addressed the Committee and made the following points:

- The previous application had been refused on three grounds. This application had been amended and Officers supported the new one;
- The number of dwellings had been reduced and the green space had been increased to 1.4 hectares;
- The depth of the site had been reduced to align with the village boundary;
- There was now a mix of 11 bungalows, 6no. 1½ storeys and 7no. 2 storeys;
- There would be considerable planting. Hedge planting would reduce visual intrusion on Plots 1 and 2, and the Landscape Strategy would see retention of the hedgerows;
- Plots 22 and 23 had been replaced by a single bungalow;
- Lower density and visual minimal intrusion;
- Haddenham was deemed a large village and the development would provide much needed affordable housing;
- The scheme would have no impact on residential amenity. There were some slight adverse impacts but they would cause minimal harm to natural assets;

- The developer was committed to early delivery.

Councillor Hunt wished to know if there would be any tandem parking and whether all the roads would be to adoptable standards with proper footpaths. Mr Bainton replied that there would be some tandem parking but each dwelling would have two parking spaces.

At the invitation of the Chairman, Councillor Steve Cheetham, a Ward Member, addressed the Committee and made the following remarks:

- He had serious concerns, as did the Parish Council and residents of the village;
- It would significantly and demonstrably outweigh any benefit and there were material reasons to refuse the application;
- The landscape was undeveloped land which contributed to the setting of the village;
- The site would be clearly visible – a carbuncle;
- There was an amazing view from the built up area and it was a tranquil area;
- The development would have a significant adverse impact on the village;
- The site was agricultural land and well enclosed. To the west and south it rose significantly with views down across the area;
- The proposal would be significantly intrusive and the document submitted underestimated the landscape;
- It did not comply with local policies and the NPPF;
- The photo montages were misrepresenting;
- A young couple had built an old cottage and this scheme would have a significant impact on them and their residential amenity;
- The natural environment should be protected and the NPPF said that good design was a key aspect;
- This was not a sustainable form of development and it would have a significant adverse effect on the village;
- The benefits would be outweighed by the harm caused.

Councillor Stubbs noted that the Haddenham Internal Drainage Board had not been consulted. Councillor Cheetham replied that it was not up to the Ely Group to comment as Haddenham did not fall within their remit.

Councillor Beckett asked Councillor Cheetham if he thought there was some merit in larger sites being able to deliver affordable housing. Councillor Cheetham replied 'absolutely', adding that there were numerous large developments in the pipeline.

At the invitation of the Chairman, Jane Williams, a Trustee of the Cambs & Peterborough branch of the CPRE, addressed the Committee and read from the following prepared statement:

*'The site is outside the current village envelope and that of the Submitted Local Plan. Aldreth Road is characterised by individual dwellings interspersed with and backed by open spaces. There is one small group of dwellings on the northern side of Bury Lane at its junction with Aldreth Road.*

*The erection of 24 dwellings extending behind the Aldreth Road building line for a significant distance down the southern boundary of Bury Lane would fill in one of these open spaces and marked affect the appearance of Bury Lane and the character of Aldreth Road.*

*The site is part of the agricultural scenery of this area of Haddenham, especially when viewed from the higher levels of the 'Bowl'. Development would be contrary to Policy 1 (of the Submitted Local Plan) that 'New development will respect the local character of the village. Proposals should give serious consideration to the existing built form and use of materials. The protection of views north and south from the village's 'ridge' position is of huge importance to maintain the character of Haddenham's 'isle' setting.'*

*Haddenham has a rich archaeological history. The field on the northern side of Bury Lane is within the Haddenham Conservation Area, importantly, for its archaeological interest as an example of 'ridge and furrow' cultivation. Retention of its setting is important.*

*The submitted Local Plan includes three areas in the village allocated for housing. CPRE strongly believes that the choice of housing sites should be decided through the Local Plan process. It is noted that in the Additional Site Suggestions Report (March 2017) there were three further sites offered for development, a total of up to 249 new dwellings. Consideration should be given if any of these sites offer greater benefit to the village than the Bury Lane site.*

*We note with concern on page 7 of the Planning Officer's report the Environmental Health comments 12/07/2018 (Scientific) 'There is anecdotal evidence of anthrax burials at the site as referred to in the neighbour response from Mrs Jenny Manning dated 26<sup>th</sup> July 2017 and others. This has not been considered in the EPS report. Anthrax spores can pose a risk to human health and it is believed that they can survive in the soil for many years.' CPRE understands that even the investigation of an anthrax contaminated site runs the risk of spore release and clean-up is known to be very costly. In 2001, following an anthrax attack by mail, cleaning the contaminated Brentwood postal facility in Washington, USA is reported to have cost \$130 million and taken 26 months. We therefore question whether the standard conditions requested by the Environmental Health Officer would in fact provide sufficient protection for those involved and the community.*

*Also on page 7 of the Planning Officer's report, we note that the Council has consulted the wrong drainage board, the Ely Group of Drainage Boards and not Haddenham Level Drainage Commissioners. Consequently, no drainage board comment has been received.*

*Fully supports Haddenham Parish Council's submission as set out in the Officer's report, strongly recommending refusal of this application. In particular on page 9 we highlight the following: 'Houses are currently being built in the Parish at Rowan Close, a planning application for 54 homes at the CLT site at West End has been approved and has an outline plan for 34 homes off Chewells Lane all of which are designated sites in the emerging Local Plan. Allowing this application seriously undermines the Local Plan and the work put into developing it.'*

*And on page 10 we highlight 'This site was considered by Haddenham CLT and has therefore been subjected to much deeper scrutiny than other applications. HCLT deemed the site unsuitable for many of the reasons stated above. The site was not included in the emerging Local Plan; approving an application on it now seriously undermines the work done to identify suitable housing land supply within the Parish.'*

*As previously stated, Haddenham boasts a rich archaeological and historical heritage which should be given due weight as a material planning consideration. Only a desk study has been undertaken by the applicant. Evidence of settlement at Haddenham dates back 6,000 years to Neolithic times through the barrow found at Foulmere Fen.*

*The village of Haddenham lies on the highest ridge (120 feet) in the Isle of Ely at its western border. Its two spurs lead to the causeways at Aldreth and Earith, which together with Stuntney were once the only routes onto the Isle.*

*The landscape of the Haddenham bowl reflects its history, demonstrating the relationship between the ancient settlement and the surrounding fen. CPRE notes, as have others, that there are many errors and omissions in the applicant's Landscape Visual Impact Assessment. CPRE therefore recommends that, as a minimum, an independent Landscape Impact Assessment should be commissioned prior to any decision being made.*

*However, based on the evidence currently available, CPRE recommends refusal of this application to protect this rural and historically important area of the fen edge village of Haddenham.'*

At this point the Chairman informed Ms Williams that she had exhausted her allocated 5 minutes of speaking time.

Councillor Hitchin said that with archaeology and the possible presence of anthrax in mind, he was curious about the land forms and he asked Ms Williams if she had any sense of something having been there. She replied that she had taken much of her information from the Officer's report. However, anecdotal information tended to be ignored and she felt that this should be addressed. The Chairman interjected to say that the recommended conditions would address contamination with soil tests and drainage.

Councillor Smith reminded Members of the Environmental Health Officer's (EHO) comments regarding anthrax. He had been a Parish Councillor for 26 years and remembered it having been raised in discussions. He said it would have been better to investigate before bringing

the application to Committee. He believed that this issue alone warranted deferral of a decision being made today because Members had not had a full report.

The Chairman responded by saying that there was very clear guidance regarding ecology and it was reasonable to condition that any investigations should be undertaken before the commencement of works. Whilst appreciating Councillor Smith's point, Members could determine the application today. The Planning Team Leader added that she had to be guided by the EHO's advice, and he was content for the work to be done by condition. The Planning Manager referred Members to Appendix 1 of the Officer's report, saying that the EHO had recommended all four conditions.

In proposing that the Officer's recommendation for approval be rejected, Councillor Hunt said that the Ward Members and Parish Council had put forward reasons for refusal and these should be given great weight. Tandem parking was being proposed for some of the houses; this would cause confusion on the site and lead to parking on Aldreth Road. Most people in the village considered cars a necessity as there was only one bus per week.

Councillor Hunt continued, saying that he was very familiar with the area and the big skies were wonderful, with views across the fen. The proposed development would have an extreme visual impact on the neighbours and damage the character of the area. The 2017 application had been refused for three reasons and these were still entirely relevant and there was also the issue of contamination. He did not think it to be sufficient to defer consideration of the application; it should be refused.

The motion for refusal was seconded by Councillor Smith.

The Chairman thought the applicant had gone a long way towards addressing the reasons for the previous refusal and the application had to be looked at in the context of the Authority not having a 5 year supply of housing land. There was no right to a view and the Committee had to look at the impact of the development on the countryside. He could not see that the proposal would have a significant and demonstrable impact on the area; he could see little harm and lots of benefits. Any issues could be conditioned.

Councillor Beckett said his first impression was of totally open countryside and the views were stunning. However, he was sure that at the time, there would have been similar objections to the six dwellings on Bury Lane and they would soften the application site. The Council could not demonstrate a 5 year supply of land for housing and this development would deliver 30% affordable housing.

Councillor Rouse felt this to be difficult because the emphasis was on visual impact and it had to be balanced against places for people to live. The developers had gone a long way to overcome the reasons for refusal and the previous application had gone to appeal. He believed the case to be very finely balanced and he was still mulling over how he would vote.

The Chairman reminded the Committee that the NPPF was very clear about looking for significant and demonstrable harm, and the tilted balance suggested presumption in favour of sustainable development. Councillor

Hunt remarked that he was fully aware of this; the applicant could reapply or appeal the decision if it was refused, but the people affected could not if the application was approved.

Councillor Hitchin made the point that discussion had been about the visual from Bury Lane, but he had got no sense of anyone looking back from the landscape and it was one of the finest views in the District.

Councillor Smith said that when the houses at Great Mill View were built 10 years ago, they deliberately left gaps so that the residents could get a view of the Mill; Haddenham people cared about their village. The Chairman reminded him that views were not a material planning consideration. Councillor Cox said he did not think the development would have much of an impact.

The Committee returned to the motion for refusal. When put to the vote, it was declared carried, there being 5 votes for, 3 against and 1 abstention.

It was resolved:

That planning application 18/00803/FUM be REFUSED for the following reasons:

- Members believe the proposal will cause harm to the character and appearance of the countryside;
- It will have a visual and residential amenity impact on the existing dwellings in Bury Lane and Aldreth Road.

*There was a comfort break between 3.40pm and 3.50pm.*

*At this point, Councillor Rouse, Vice Chairman, announced that he would be assuming the Chair for the remainder of the meeting, as Councillor Schumann had had to leave to attend to a personal matter.*

#### **74. 18/00832/OUM – LAND BETWEEN 4 AND 5 SOHAM ROAD, FORDHAM**

Barbara Greengrass, Planning Team Leader, presented a report (reference T111, previously circulated) which was a re-submission following refusal of planning permission by the Planning Committee in January 2018. The proposal was refused because it was contrary to Policy GROWTH2, as the Council could demonstrate a 5 year supply of land for housing. An appeal had been lodged for that application.

This application was identical and sought outline planning permission for up to 52 dwellings together with associated development including open space. Access was to be determined at this stage with appearance, landscaping, layout and scale to be reserved matters.

The site was situated outside the established development envelope of Fordham and adjoined the settlement boundary on part of its north-western boundary. The remainder of the boundary adjoined the site to the rear of Rule Gardens, on which planning permission had recently been granted for the construction of 16 dwellings. The site was currently in agricultural use along the north-western boundary and to the south-east was

open agricultural land. To the north and east of the site was residential development.

It was noted that the application was to be determined by the Planning Committee in accordance with the Council's Constitution, as the proposal was for over 50 dwellings.

A number of illustrations were displayed at the meeting. They included a map, an aerial image, an indicative layout of the site and a photograph of the street scene.

The main considerations in the determination of the application were:

- Principle of Development;
- Visual amenity;
- Residential amenity;
- Historic environment;
- Highway safety;
- Drainage & flood risk; and
- Biodiversity & ecology.

The Planning Team Leader reiterated that the Council was currently unable to demonstrate a 5 year supply of housing land and therefore the presumption should be in favour of sustainable development. However, the benefits of the proposal were outweighed by the significant and demonstrable harm to the Development Plan Locational Strategy and the Post Examination Fordham Neighbourhood Plan, with the latter carrying significant weight.

The applicant had submitted a Habitats Regulations Assessment (HRA) screening report, which concluded that there would be no impact on European and internationally designated sites and therefore an appropriate assessment was not required. It was noted that Natural England had raised no objection to the proposal.

In terms of visual impact, the site was effectively bounded by residential dwellings on two sides and the effects of the development would be slightly greater than suggested in the submitted Landscape & Visual Impact Assessment (LVIA). However, Soham Road formed a physical boundary for the south of the settlement and it was considered that the proposed development would not appear as an intrusion or sprawl of built form into the countryside. Subject to a satisfactory layout and substantial landscaping along the southern boundary, the development could be incorporated into the landscape without causing significant and demonstrable harm to the visual amenity of the area.

It was noted that the occupiers of 5A Fordham Road had expressed concern regarding the proximity of the development to their dwelling and the potential impact on their outlook and privacy. Concerns had also been raised regarding the use of the area of open space at the front of the site as a potential parking/turning area as it could lead to noise and disturbance and



light pollution from car headlights. The illustrative Masterplan had been amended to remove the area as usable open space, and the precise use and boundary treatments would be determined at reserved matters. Officers considered that satisfactory relationships could be achieved within the development to safeguard the residential amenity of existing residents.

Turning next to the historic environment, the Planning Team Leader stated that there were no designated heritage assets within the application site, but Cromwell House, a Grade II Listed Building, was located immediately north east of the site's boundary. It was considered that any impact on the heritage value of Cromwell House was likely to be negligible and cause less than substantial harm and that the harm would be outweighed by the public benefits of the scheme. Members also noted that the application site was located just over 1 kilometre from the Grade I Listed Church of St Peter; as the site did not contribute to the setting of the Church, it would be unaffected by the development.

The Historic Environment Team had not objected to development proceeding but their records indicated that the site was in an area of high archaeological potential. They therefore considered that there should be a programme of archaeological investigation, and this could be secured by planning condition.

The Local Highways Authority was satisfied that safe and convenient access to the highway network could be achieved. While parking provision was not being assessed at this stage, the indicative Masterplan showed that the current standards could be achieved.

The Transport Assessment Team had considered the Transport Statement submitted with the application and did not object to the proposal, subject to the provision of a Travel Welcome Pack and a contribution of £37,680 towards improvements to mitigate impacts on the wider transport network. This was considered to be fairly and reasonably related in scale and kind to the development and was accepted by the applicant.

The application site was located in Flood Zone 1 and a variety of methods would be employed to dispose of surface water. A strategy had been agreed with Anglian Water to deal with foul drainage and this could be dealt with by condition.

A Preliminary Ecological Appraisal submitted with the application had concluded that the habitats were of very low botanical and habitat value. Scattered scrub was present through the site and there were a number of small sheds and stables, but it was not considered that they would have any obvious value for species. The existing boundary hedgerow and trees were to be retained and the scheme would present an opportunity to incorporate bird and bat boxes.

In connection with other material matters, Members noted that the scheme would provide 30% affordable housing with the precise mix of house types being agreed at the reserved matters stage and secured through the S106 Agreement.

Whilst the provision of up to 52 dwellings could be given positive weight, the proposed development conflicted with the Post-Examination

Fordham Neighbourhood Plan and this carried significant weight. It was considered that the adverse impacts would significantly and demonstrably outweigh the benefits and the scheme was therefore recommended for refusal.

At the invitation of the Chairman, Mr Steven Kosky, agent, accompanied by Mr Duncan Jenkins, applicant, addressed the Committee and made the following remarks:

Mr Kosky:

- No technical reasons had been identified for refusal;
- 40% affordable housing had been proposed and this would equate to 21 new affordable homes, above the percentage of recently approved CLT's. This should be given substantial weight;
- The developer would work with the CLT for the allocations policy;
- There had been meaningful community engagement;
- The Council could only demonstrate 2.03 – 2.08 years of housing delivery. This was well below the 5 year requirement for the Local Plan and below the 3 years of Neighbourhood Plans;
- The NPPF stated that the planning balance should be in favour of approval and there was a District-wide housing crisis;
- The Neighbourhood Plan was more than just lines on a map and the weight given to it incorrect;
- The site was not a gap or important view, and the Community Infrastructure Levy would contribute to local projects;
- Securing a local scheme was preferable to waiting for an Inspector's decision;
- Members were urged to grant planning permission.

Mr Jenkins:

- The application was being refused on the basis of adverse impacts, and there were none;
- There was a perceived conflict with the Post Examination Fordham neighbourhood Plan;
- Independent work had been carried out and the Gladman appeal was out of date. The figures for the years of delivery did not exceed 2.88 and the Inspector had applied the NPPF test;
- The tilted balance still applied and was a just consideration.

At the invitation of the Chairman, Parish Councillor Malcolm Roper, Vice Chairman of Fordham Parish Council, addressed the Committee and read from the following prepared statement:

*I would like to explain the reason why Fordham Parish Council raised no objections to this application when it was re-submitted in June of this year.*

*When this application originally came before the Parish Council in October 2017 it raised several objections to the proposals. The application was refused by East Cambridgeshire District Council in January 2018. The applicants have appealed this decision which is due to be heard later this month.*

*This application was re-submitted on June 15<sup>th</sup>, I suggest, due to the success at the end of May of the appeal by Gladmans in respect of 100 dwellings on the Mildenhall Road, Fordham.*

*When this application came before the Parish Council, it felt that due to the Gladman appeal decision it could not make any comments because it had no planning grounds to object at that stage. It could not refer to the Emerging East Cambridgeshire Local Plan or the Fordham Neighbourhood Plan because the appeal Inspector made the point that he could afford these no more than very limited weight within the overall planning balance due to both remaining to be considered by further examination and/or consultation.*

*However, since then and after a great deal of hard work by Members of the Parish Council, I am pleased to report that the Fordham Neighbourhood Plan has now progressed through all the stages and a referendum will take place on the 8<sup>th</sup> November and I ask the Committee to take this into account when making its decision.*

*The application site is not included in the Fordham Neighbourhood Plan and is not within the development envelope. If you go against our Plan then all the hard work and expense since December 2017 would be a total waste of time and money, not to mention the impact on the integrity of the Fordham Neighbourhood Plan.*

*This is not Nimbyism. There has been little or no investment in the infrastructure in recent years and the Parish Council is concerned that this growth will harm the village character and will undoubtedly overwhelm the existing services in the village.*

*The community recognised that development is required and we took that on board agreeing where development should take place. We had our target at 20% in line with other villages of a similar size and we are now already being asked to accept further growth to a total of 38% - almost double our target.*

*If you grant permission for this site this will put growth in our village to 43%, which is more than double that of any other village in East Cambridgeshire. We put it to you that asking this community to agree to this additional growth is simply unacceptable. Fordham has acknowledged its fair share of growth and enough is enough.*

*We understand that you have to follow planning law, but it is our opinion that the increase in traffic is simply unsustainable for the village of Fordham and the accumulative effect of this development are two sound planning reasons against this proposal.*

*Therefore, I respectfully ask you to refuse this application on those grounds, support the Fordham neighbourhood Plan and for the sake of the residents of Fordham.'*

At the invitation of the Chairman, Councillor Julia Huffer, a Ward Member for Fordham villages, addressed the Committee and read from the following prepared statement:

*'Thank you Chair and members of the Committee. Once again I sit before you to ask that you support the long suffering residents of Fordham and refuse this application for a further 52 house in Fordham.*

*I cannot believe I am here again, I seem to be here fighting every month to preserve the fabric of my village and to speak for so many people who are in despair at the volume of housing already destined for Fordham and all the subsequent traffic and strain on the infrastructure that will come with, in excess of 500 additional houses in a village whose current housing stock numbers around 1100. Once again I acknowledge that we must build more houses, but we as a village have done our bit, we cannot and will not do more.*

*Many hours have been spent by a dedicated and determined team to put together Fordham's Neighbourhood Plan, to prevent unwanted developments in our village. As a member of that team I am incredibly proud of what we have achieved and delighted that the Plan has reached the stage that, whilst we wait for the Referendum on 8<sup>th</sup> November, considerable weight can now be given to the Plan. I cannot predict the future but the many conversations I have had with residents fill me with confidence that the majority of the village support the adoption of the Neighbourhood Plan. This site is not included and I would ask that this Committee also gives weight to our Neighbourhood Plan and refuse this application. I also sit on the Community Land Trust Board and this application was not brought to the Board, so where did the figures for housing supply come from?*

*I would also like to comment that I am appalled that this application has been submitted at all, an appeal is pending, in fact starting in less than two weeks. Why has this Planning Authority been subjected to yet more expense in considering this matter before us when having an appeal considered and one application refused doesn't appear to be enough. This is only my opinion and I am aware that a fee will have been paid, but how many resources does one application for 52 houses have to take up? Fordham will cease to be a delightful place to live and will become a small town.'*

Councillor Hunt thanked Councillors Huffer and Roper for providing a comprehensive report on the situation.

Councillor Beckett asked the Planning Manager to comment on the developer's figures for housing supply. She informed the Committee that this matter had been referred to the Strategic Planning Team and they were completely confident that the Council had at least a three year supply of housing land. With regard to the Gladman appeal decision, the Inspector had concluded on the recent Mepal Road, Sutton Appeal that the land supply remained the same; the decision was received last week and the figure for land supply was 3.86 years.

Councillor Rouse believed the key issue to be the Neighbourhood Plan and the wishes of the local community. Councillor Stubbs agreed, saying she was involved with the Neighbourhood Plan for Sutton, and it was all about volunteering to look after the future of one's village and it took a lot of work.

Councillor Beckett thought it was a good site and he had little against it. However, Fordham had a Neighbourhood Plan and he was reluctant to go against it until it had been tested, so he was minded to agree with the Officer's recommendation.

It was duly proposed by Councillor Smith and seconded by Councillor Hunt that the Officer's recommendation for refusal be supported. When put to the vote, the motion was declared carried, there being 7 votes for and 1 abstention.

It was resolved:

That planning application reference 18/00832/OUM be REFUSED for the reason given in the Officer's report.

**75. 18/00933/OUT – 53 POUND LANE, ISLEHAM, CB7 5SF**

Catherine Looper, Planning Officer, presented a report (reference T112, previously circulated) which sought outline consent for the construction of three dwellings adjacent to the site of a recently permitted dwelling. The matters to be considered were access and scale, with all other matters to be considered at Reserved Matters stage. The site would be accessed off Prickwillow Road and the three dwellings would share this access.

The site was located toward the north of Isleham and was in close proximity to the development envelope. The site was currently vacant and enclosed by a well-established hedge. Isleham held a mixture of dwelling types and designs near this location and they were generally set back a short distance from the public highway.

A number of illustrations were displayed at the meeting. They included a map, an aerial image, the layout of the proposal, indicative elevations and a photograph of the street scene.

The main considerations in the determination of the application were:

- Principle of Development;
- Residential Amenity; and
- Visual Amenity.

The Planning Officer reiterated that the Council was currently unable to demonstrate an adequate five year housing supply and therefore applications were being assessed on the basis of presumption in favour of development unless there were any adverse impacts in doing so. The application site was located in close proximity to the settlement boundary, and had access to the services and facilities in Isleham. The proposal would

contribute to the District's housing supply and would also be beneficial in the short term to the local economy through the construction stage.

In connection with residential amenity, the indicative drawings showed that a suitable relationship between the dwellings could be achieved in order to prevent significantly detrimental impacts on neighbouring properties. It was considered that the location and scale of the proposed dwellings would not have a significantly detrimental impact.

With regard to visual impact, it was considered that the proposed plot sizes, rear amenity space and building sizes complied with the requirements of the Design Guide SPD. Although the proposal would create a change to the existing appearance of the settlement edge, the scale of the proposed dwellings was considered to be appropriate and the retention of the boundary hedging would help to assimilate the built form into its surroundings. The single storey scale of Plot 3 was considered appropriate to define the stopping point of built form and would provide a step-down from other two storey development near the settlement edge.

Members noted that the applicant proposed to create a new driveway access off the public highway, which would be 5 metres in width for the first 10 metres. The County Highways Authority had been consulted and had raised no objections in principal to the application. Conditions are recommended to ensure that the proposal did not create impacts on highway safety. The proposal would provide sufficient parking spaces for the proposed dwellings, and therefore highways matters were considered to be acceptable.

On balance, the proposal complied with planning policy and was recommended for approval.

At the invitation of the Chairman, Mr Philip Kratz, agent, addressed the Committee and made the following points:

- The Council did not currently have a 5 year supply of housing land and the principle of development had been established by a detailed planning permission adjacent to the application site;
- The proposal was now for three slightly more modest homes;
- There would be no overlooking or overshadowing impact and the proposal regarding highways was considered acceptable;
- They were not considered to be isolated homes in the countryside and paragraph 68 of the new NPPF gave great weight to windfall sites;
- Everything had been done to show how the site could be developed. Although indicative at this point, the scale was acceptable and the access was considered acceptable;
- If every village took some development then we would not have a housing need/problem.

At the invitation of the Chairman, Parish Councillor Jeanette Malkin, Isleham Parish Council, addressed the Committee and made the following comments:

- The Parish Council objected to the application on the grounds that it would have a significant and detrimental impact;
- It was ribbon development which would further extend the built form into the countryside;
- It was on a main access route which had wide ranging views;
- There were few green walking paths and this would restrict the areas where one could walk;
- The visual impact from the development was significant;
- It would have an impact on visual amenity;
- Isleham was a conscientious Parish Council and wished to protect the village's green areas and its fenland aspect.

Councillor Beckett asked Councillor Malkin to explain the importance of Coates Drove to the village and also to say how long the hedge had been there. She replied that the Drove was a boundary to the village and the hedge had been in place for 2 – 3 years.

Councillor Beckett continued, saying that he had known the site all his life. Having looked at it today as a planning site, he agreed with the Parish Council that the scheme would be an intrusion into the countryside and if approved, the applicant could cut down the trees. At previous Committee meetings Members were reminded of the need to be consistent and he recalled a recent application at East Fen Road, on a 60 mph route, having been refused. There was no footpath on this road; it had a 60 mph speed limit and was very busy with some 6,000 movements per day. This development would extend the built form beyond Coates Drove, which was the clearly defined edge of the village.

Councillor Cox felt that with a building already under construction, a precedent had been set. It was difficult to determine where the building line should finish, and he could not see that the proposal would cause any harm.

It was proposed by Councillor Beckett and seconded by Councillor Hunt that the Officer's recommendation for approval be rejected and the application be refused. When put to the vote the motion was declared carried, there being 6 votes for and 2 abstentions. Whereupon,

It was resolved:

That planning application reference 18/00933/OUT be REFUSED for the following reasons:

- Members believe the proposal to be an unacceptable extension of the built form into the open countryside;
- There is no pedestrian access along this very busy 60mph speed limit road.

## **76. PLANNING PERFORMANCE REPORT – AUGUST 2018**

The Planning Manager presented a report (T113, previously circulated) which summarised the planning performance figures for August 2018.

The Department had received a total of 163 applications during August which was a 27% decrease on August 2017 (223) and a 21% decrease from July 2018 (207).

A high number of appeals were being received. Two had been decided and one hearing was set for the 16<sup>th</sup> October; two Public Inquiries had been set, one for the 11<sup>th</sup> December 2018 and one was awaiting confirmation of the date from the Planning Inspectorate. Page 2 of the report set out the details and the Planning Manager said that this would be included as a rolling feature in her future reports to Committee.

The Department was hitting the majority of its targets, but being a number of Officers down was impacting on determinations.

With regard to staffing matters, it was noted that a new Planning Officer would take up post on 12<sup>th</sup> November and Dan Smith, Planning Consultant was currently helping with the workload.

Councillor Beckett offered his congratulations to the Planning Manager and her team, saying Members understood the pressures they were under. Officers' presentations were very good and it was not a reflection on them when Members disagreed with their recommendations.

He then asked the Planning Manager why the Haddenham Appeal was taking so long and she replied that the Planning Inspectorate did not have enough Inspectors at the moment.

Councillor Hunt commented that a recent case in Little Downham had been deferred due to the alleged presence of newts and he wondered why the case had been validated when a report was out of date. The Planning Manager explained that although a Reptile Report was required, this was detailed within the Ecology Report and the onus was not on the support team to read all reports in detail; as long as there was an Ecology Report, it would meet validation requirements. The applicant was relying on the Ecology Report of the previous application which was dated 2017 and was valid for 2 years. The onus was on the Officer dealing with the application to ensure that all reports/surveys required had been carried out.

Councillor Cox said it was right that the Planning Team should be thanked for all their hard work. However, it should also be remembered that the Committee received secretarial and legal support, and those Officers too should be thanked.

It was resolved:

That the Planning Performance Report for August 2018 be noted.



The meeting closed at 4.50pm.