



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday, 12<sup>th</sup> June 2019 at 2.00pm.

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

Cllr Bill Hunt (Chairman)  
Cllr Christine Ambrose-Smith  
Cllr Sue Austen  
Cllr David Brown  
Cllr Matt Downey  
Cllr Lavinia Edwards  
Cllr Alec Jones  
Cllr Josh Schumann  
Cllr Lisa Stubbs (Vice Chair)  
Cllr John Trapp  
Cllr Gareth Wilson

## **OFFICERS**

Angela Briggs – Planning Team Leader  
Maggie Camp – Legal Services Manager  
Barbara Greengrass – Planning Team Leader  
Toni Hylton – Planning Officer  
Anne James – Planning Consultant  
Janis Murfet – Democratic Services Officer  
Rebecca Saunt – Planning Manager  
Dan Smith – Planning Consultant  
Andrew Phillips – Planning Team Leader

## **IN ATTENDANCE**

Cllr Julia Huffer (Agenda Item No. 7 & 13)  
Approximately 25 members of the public

### **3. APOLOGIES AND SUBSTITUTIONS**

There were no apologies given or substitutions made.

### **4. DECLARATIONS OF INTEREST**

The Planning Manager declared a personal interest in Agenda Item 13 (19/00371/FUL, 16 Duck Lane, Haddenham, CB6 3UE) as the applicant was known to her. She wished it to be clear that she had not had any involvement in the application and had not read the Case Officer's report.

Cllr Schumann declared a personal and prejudicial interest in Agenda Item 9 (19/00036/FUL, 5A White Hart Lane, Soham, CB7 5JQ) as he lived in White Hart Lane.

Cllr Austen declared a personal interest in Agenda Item 8 (18/01607/OUT, Land West of 51 Hillrow, Haddenham) as the applicant was known to her.

## 5. **MINUTES**

It was resolved:

That the Minutes of the meetings held on 24<sup>th</sup> April and 30<sup>th</sup> May 2019 be confirmed as a correct record and signed by the Chairman.

Councillor Schumann wished to have it placed on record that he did not consider himself to have been demoted as he was no longer Chairman of the Planning Committee. He believed that there should be a change of Chairman after a certain period, and he had therefore been pleased to propose Cllr Hunt.

## 6. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- He welcomed the new Members of the Committee;
- He stressed the importance of the planning bus, saying that the site visits were valuable and he urged Members to attend them;
- Members were reminded that Planning was a quasi-judicial Committee and not political. It was essential to keep an open mind when considering applications;
- This Authority allowed the use of electronic devices to look at agenda papers during meetings. He did however, expect Members to give their full attention at all times;
- New Members should not worry about asking what they thought were 'silly questions' because it was very likely that others had the same queries;

The Chairman concluded by saying that he was new to the role, but it was his wish to facilitate rather than dominate the meetings.

**7. 18/00059/FUM & 19/00272/FUM – LAND REAR OF 55 TO 69 FORDHAM ROAD, SOHAM**

Barbara Greengrass, Planning Team Leader informed the Committee that as Agenda Items 5 and 6 were for exactly the same site and proposal, it had been agreed that they would be considered together.

The reports (reference U8 and U9, previously circulated) sought permission for the erection of 78 dwellings, of which 23 (29%) would be affordable. The main access would be onto Fordham Road together with four additional access points to serve small groups of dwellings. Clipsall Lane, the existing Public Right of Way through the site, would be retained and enhanced and two new areas of public open space would be provided within the development.

It was noted that application reference 18/00059/FUM had come to Committee on 5<sup>th</sup> December 2018 and was deferred to allow the applicant to work with Officers to address the points made by the Planning Committee in relation to making provision for less tandem parking and drainage.

Application reference 19/00272/FUM was a duplicate, the rationale being that if 18/00059/FUM was refused permission, any issues arising in this application could be addressed.

Tabled at the meeting was a paper which set out the following matters arising to both applications:

- 1) Removal of Condition 20 on both applications as it is no longer required as an Arboricultural Method Statement has now been submitted and is acceptable to the Council's Trees Officer;
- 2) Amendment to Condition 9 of both applications to delete reference to the 'pipe reference number' at part (c) and 'maintenance/adoption' at part (h);
- 3) The latter will be included within the Section 106 legal agreement to allow for transfer of the Suds areas to the Council together with financial contributions for the long term maintenance of these areas;
- 4) Amendment to drawing numbers in relevant conditions to reflect amended plan received since the Officer Report was written.

Members noted that the site lay approximately 1 kilometre south-east of the town centre, north-east of the Fordham Road, opposite existing residential development and between frontage development along Fordham Road. The site was located within the settlement boundary of Soham and comprised most of the land allocated within housing allocation SOH4.

The application had been brought to Planning Committee in accordance with the Council's Constitution, as it was for over 50 dwellings.

A number of illustrations were displayed at the meeting, including a map, aerial view, proposed site layout, housing mix, elevations and the siting of the affordable housing.

The main considerations in the determination of the applications were:

- Principle of Development;
- Visual Impact, Layout & Mix;
- Residential Amenity;
- Highway Safety & Transport Impact;
- Flood Risk & Drainage; and
- Trees & Ecology.

As the Authority was currently unable to demonstrate a 5 year supply of land for housing, local planning policies relating to the supply of housing had to be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development unless any adverse effects of the development significantly and demonstrably outweighed the benefits.

The site was located within the established development framework of Soham and in close proximity to the range of services and facilities available within the settlement. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the location of the site meant that it was considered to be in a sustainable location.

With regard to visual impact, the location of the site adjacent to the south eastern corner of the town was well related to the existing built form and was reasonably well contained. The boundary to the eastern rear edge of the site was visually open and would need careful treatment as views of the new development would be possible from the A142. The scheme proposed to replace the existing post and rail fencing along this boundary and retain any existing vegetation. It was also proposed to provide a landscaped buffer which would give a soft edge to the development and to retain and enhance the rights of way within and alongside the site.

The layout of the scheme would ensure that the existing residential amenities of the occupants of the neighbouring dwellings fronting Fordham Road would be adequately respected and maintained. It would provide for an attractive residential development, with two large areas of green public open space to either side of the site linked via the widened Clipsall Lane Public Right of Way, creating a central green corridor through the development.

Overall, it was considered that the new housing could be successfully integrated into the town's setting with limited adverse effects on visual amenity. There would be an appropriate transition between the wider countryside setting and the built form of the town and the development of 78 dwellings could be achieved without causing significant harm to the character and appearance of the area.

The submitted noise assessment concluded that there would be no impact from the A142. The applicant had amended the internal layout to provide for secondary windows to bedrooms where possible and to ensure that few habitable rooms were affected by road noise. The developer had located habitable rooms to the rear and affected dwellings would also be fitted with acoustic ventilators.

Suitable separation distances and boundary treatments were proposed to ensure the residential amenity of the adjoining residents were not unduly compromised and the proposed pumping station was sited outside of the required 15 metre cordon sanitaire. It was considered that the proposal provided for a development with acceptable living conditions and residential amenity for proposed occupiers and existing residents.

The main access to the site was from Fordham Road and would form the main estate road for the development in the form of a spine road serving private drives and courtyards. Pedestrian access to the site would also be provided along the existing byway to be retained and enhanced and leading directly to the play area.

It was noted that the County Council Transport Planning Team were of the view that the proposed development was likely to add to the existing pressure on the capacity of the A142/Fordham Road/A1123 roundabout. A financial contribution of £74,160 had been requested to mitigate this impact, together with a Travel Plan; this would be secured by S106 Agreement and Travel Plan condition.

The proposed car parking provision accorded with planning application 18/00059/FUM. The plans proposed 78 dwellings with a total of 185 car parking spaces, including visitor spaces; a total of 31 dwellings would now have parking spaces that were not tandem.

Speaking of flood risk and drainage, the Planning Team Leader said that the infiltration features designed across the site generally took the form of shallow crates and swales. In the northern section of the site from Plots 3 to 26, there would be an infiltration basin with bunded sides. The surface water from adjacent plots would be collected using filter drains which fed into the basin. This arrangement was acceptable to the Lead Local Flood Authority.

Foul water would be dealt with by means of a pumping station on site which would store and then pump when the system had capacity. Members noted that the applicant had engaged with Anglian Water at an early stage to design a solution that would be acceptable and absorb capacity within the wider network. Anglia Water were satisfied with the solutions put forward.

The vast majority of the vegetation and trees on the site would remain, and the Trees Officer was satisfied with the submitted Arboricultural Impact Assessment and Tree Protection Plan subject to recommended conditions. There would be no adverse impact on nearby SSSI's or East Fen Common, subject to mitigation.

In connection with other material matters, it was noted that education contributions would be secured by S106 Agreement, and no archaeological investigations required.

The Planning Team leader concluded her presentation by saying that both 18/00059/FUM and 19/00272/FUM were recommended for approval with authority being delegated to the Planning Manager, subject to the conditions in the report, the amendments in the matters arising & a S106 legal agreement.

At the invitation of the Chairman, Mr Chris Smith, on behalf of the applicant, addressed the Committee and made the following points:

- Since the previous application, the layout had been amended in respect of car parking and drainage;
- All true tandem parking spaces had been removed;
- There had been ground water testing and surface water would be addressed by means of a drainage pond;
- The scheme would deliver 78 dwellings, of which 23 would be affordable homes. There would also be public open space and a children's play area;
- The contributions in respect of S106 and Community Infrastructure Levy (CIL) would be in excess of £1 million;
- The County Council was now happy with the scheme and he hoped that Members would concur with the Officer's recommendation.

Councillor Edwards was pleased to see that the issue of tandem parking had been addressed but wished to know if work on the A142 roundabout would be carried out before work on the site. Mr Smith replied that the developer would make the financial contribution and then it would be over to Highways to do the work.

Councillor Wilson asked why two applications had been submitted. Mr Smith said it was a technical proposal based on the rationale that if the first application was refused, then the second application could be amended to overcome any issues.

In response to a question from Councillor Trapp regarding who would have financial responsibility for the disposal of foul water, Mr Smith said that the scheme for the wider network would be fully adopted by Anglian Water.

Councillor Schumann asked Mr Smith if, in his opinion, the new parking arrangements diminished the design of the site. Mr Smith replied that he had tried to take a careful balance. The size of some properties had been reduced and the mix was not now as wide, but the development would be more accessible.

Councillor Brown took issue with the view that the development would be well served by public transport because in his opinion, nowhere in the District was well served. He also said that the Heads of Terms should be amended to state 29% affordable housing.

In proposing that the Officer's recommendation for approval in respect of planning application 18/00059/FUM be supported, Councillor Schumann said that this was a good example of an applicant coming back to Committee with a better scheme. It met most of the policy requirements and the applicant had gone a long way to meet those requirements.

Councillor Ambrose Smith seconded the motion for approval, and when put to the vote,

It was resolved unanimously:

- 1) That planning application reference 18/00059/FUM be APPROVED subject to the signing of the S106 Agreement and the recommended draft conditions, including the amendments tabled at the meeting in the matters arising, with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission;
- 2) The S106 will secure the following:
  - 29% affordable housing;
  - Financial contribution of £74,160 towards the mitigation required at the A142/Fordham Road/A1123 roundabout;
  - Transfer of the public open space areas to the Council and financial contributions for the long term maintenance of these area;
  - Education and libraries contribution of £769,837;
  - Financial contribution of £8,000 towards the upkeep of the Commons;
  - Contributions for wheelie bins.

It was proposed by Councillor Schumann and seconded by Councillor Ambrose Smith that the Officer's recommendation for approval in respect of planning application 19/00272/FUM be supported. When put to the vote,

It was resolved unanimously:

- 1) That planning application reference 19/00272/FUM be APPROVED subject to the signing of the S106 Agreement and the recommended draft conditions, including the amendments tabled at the meeting in the matters arising, with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission;
- 2) The S106 will secure the following:

- 29% affordable housing;
- Financial contribution of £74,160 towards the mitigation required at the A142/Fordham Road/A1123 roundabout;
- Transfer of the public open space areas to the Council and financial contributions for the long term maintenance of these area;
- Education and libraries contribution of £769,837;
- Financial contribution of £8,000 towards the upkeep of the Commons;
- Contributions for wheelie bins.

#### **8. 18/01375/FUL – PATTERSONS STORES, 11 MILL STREET, ISLEHAM**

Toni Hylton, Planning Officer, presented a report (reference U10, previously circulated) from which Members were asked to consider the proposed demolition of a store building to the front and 3 barns to the rear of the site and replace the buildings with 6 dwellings with associated access.

The Committee was asked to note that letters from occupants of Mill Street, Limestone Close, the Parish Council, former Councillor Mark Goldsack, and the agent, had been received since the publication of the Case Officer's report. The letters from neighbours reiterated their concerns from previous correspondence; the loss of the building due to neglect (deliberate) was contrary to planning policy. The Parish Council reiterated their comments, regarding retaining the buildings, changes in levels, views of the Conservation Area and highway safety. Cllr Goldsack said that Members needed to see the site, and the loss of the building needed to be questioned. The applicant was required to pay Council Tax but since the applicant had owned the site (2016), no one had been living there.

The site was within the development envelope for Isleham, in a central location in Mill Street. It was also within the Conservation Area, with a Listed Building opposite and views of the Listed church. The site had been vacant since 2008, according to the application, and had not been maintained in that time and parts of the building were in a poor state of repair.

It was noted that the application had been called in to Committee by former Councillor Derrick Beckett due to the prominence of the site in a central village location, its impact on the street scene, and public interest. He wished it to be considered by the Planning Committee.

A number of illustrations were displayed at the meeting, including a map, aerial view, proposed layout, housing mix, elevations and floor plans, and photographs of the location.

The main considerations in the determination of the applications were:

- Principle of development;

- Residential amenity;
- Visual amenity;
- Historic environment;
- Highways;
- Ecology;
- Flood Risk; and
- Energy & sustainability.

The Authority was currently unable to demonstrate a 5 year supply of land for housing and therefore local planning policies relating to the supply of housing had to be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development unless any adverse effects of the development significantly and demonstrably outweighed the benefits.

The proposed scheme would result in the loss of a commercial unit, but the application was supported by a marketing report which identified that the site had been marketed for 12 months without attracting any interest and had been empty for approximately 11 years. A number of concerns had been raised regarding the loss of a retail unit in the village but there were existing facilities in Isleham which had been meeting the needs of the local community. It was considered that a building such as this did not meet modern standards and would therefore have limited interest to most retailers. The Marketing Report was considered acceptable and the loss of a retail outlet was accepted; in principle the proposal met the criteria of Policy COM3.

The Planning Officer drew Members' attention to the three photographs relating to the issue of residential amenity, saying that the application site would be 4.8 metres higher than the dwellings in Limestone Close. However, it was considered that the proposal had addressed the concerns of the potential for overlooking and being overbearing and as such was compliant with policy.

In terms of visual amenity, the proposal was in a central location in the village and had simple elevations. The scheme would not appear intrusive and the design had been kept simple with low roofs so as not to compete with adjoining properties or detract from the character of the area. The site could easily accommodate 6 dwellings at a reasonable density and each plot would have a minimum of 2 parking spaces and space around the dwellings so as not to appear cramped. The height of the dwellings had been kept low to minimise the impact of the proposal on the locality.

Turning next to the historic environment, the Planning Officer stated that in consultation with the Conservation Officer following the submission of the amended plans, it was considered that the original concerns raised had been addressed. The design of the dwellings having been made simpler and the reduction in height assisted in reducing the overall impact of the development on the area.

In discussion with the Conservation Officer, the loss of the buildings was not considered to be a reason to refuse the application, as their retention was not thought to be of historic importance. None of the buildings were worthy of being Listed in their own right, and for the most part they were in a poor state of repair. The application was supported by a Structural Report which concluded that the main building to the front was virtually beyond repair and not financially viable. The balanced view was that the loss of the buildings was considered to be acceptable, but only on the basis of a comprehensive and well-designed scheme.

The Historic Team (Archaeology) considered the scheme to be acceptable, but would require a pre-commencement condition relating to a Written Scheme of Investigation.

The Planning Officer reiterated that the Local Planning Authority could not determine whether a building had been deliberately neglected.

In connection with highways, it was noted that access was from Mill Street and parking was provided for all of the dwellings to the rear of the site. The Highways Officer considered the proposal to be acceptable on the basis of conditions being attached to ensure the provision of visibility splays, and access to be 5 metres wide for a minimum of 10 metres, with parking and turning. However, the road into the site would not be to an adoptable standard.

Members noted that the application was supported by an updated Ecological Report, which concluded that the site had limited scope for protected species. However, in order to have a net biodiversity gain, there should be an attempt to plant native species and include other measures such as bird and bat boxes; this could be achieved by condition.

The application site was located within Flood Zone 1 and it was considered that any drainage issues could be dealt with by conditions.

While no energy or sustainability measures had been proposed as part of the submitted application, this could be addressed by way of conditions.

The Planning Officer concluded her presentation by saying that on balance the proposal was considered to be acceptable. It would create public benefits such as additional housing and a contribution towards the economy and would result in less than substantial harm to the heritage assets; it was therefore recommended for approval.

At the invitation of the Chairman, Mr Kelvin Morgan spoke in objection to the application and made the following points:

- He was the owner of 28 Limestone Close, and while he did not object to development as such, he did object to this proposal because it was unsympathetic;
- Limestone was a reoccurring feature in the area and demolition of the buildings would detract from the locale;

- The proposal was unneighbourly because Plot 6 would be only 1 metre away from his property and overbearing in terms of the amenity of his home;
- He disagreed that demolition was the only financially viable option and questioned that £215k would be insufficient to restore the building;
- The loss of Pattersons would be detrimental to the street scene and the village.

Councillor Schumann asked Mr Morgan if he was aware of the property having been left intentionally vulnerable and Mr Morgan replied that he was. Roof tiles had been removed and there had been no upkeep.

Councillor Wilson having noted that Mr Morgan said he was happy to have development but did not want the house or barns to be demolished, asked him what he thought could be done on the site. Mr Morgan said it should be something sympathetic, ideally with the store being refurbished and made good.

Councillor Trapp asked Mr Morgan how he viewed the clunch wall to the left of the frontage and Mr Morgan responded that he would like to see it maintained, as the clunch walls 'made' Isleham.

Referring to Mr Morgan's comment about the property having been deliberately ignored, Councillor Jones asked when the neglect had started. Mr Morgan replied that it was difficult to pinpoint it, but it would have been about 5 years ago when tiles were being removed.

Councillor Downey remarked that the property was in a pretty bad state. While the developers had said that it would not be cost effective to restore it, he wondered whether it would be preferable to have the proposed development or leave the property in its current state.

At the invitation of the Chairman, Mrs Linda Walker, agent, addressed the Committee and made the following comments:

- The site had been marketed with vacant possession and there had been 18 viewings. Nobody came forward, they were most likely put off by the potential expense of renovating the buildings;
- Mr Sleightholme purchased the site with a development option to possibly restore the building and develop the rest of the site;
- The building was not viable, as confirmed by the Structural Engineering Report, and it was in a dangerous state of repair. The clunch barn was also in a dangerous state and beyond economic repair;
- With regard to the allegations of the building being left in disrepair, an application had been submitted in 2017 but there had been concerns regarding the proposal and this was subsequently withdrawn;

- The applicant had worked closely with Officers and there had been a plenary enquiry. The design had been negotiated with the Conservation Officer and the application considered very carefully;
- The proposal tried to follow the traditional built form, with an amended location for the frontage and the listed buildings being safeguarded;
- The clunch wall could be kept if it did not interfere with the highway;
- Neighbour amenity had been addressed throughout the site so that there would be no overlooking.

Councillor Schumann had a number of questions for Mrs Walker. He noted that there was nothing in the recommended conditions to prevent removal of a fence and Mrs Walker replied that this could be conditioned. He next asked if the applicant was aware of windows being left open and roof tiles being removed. Mrs Walker said that tiles had been removed from the outbuildings because they were slipping but she could not comment on the open windows. Councillor Schumann replied that it would be more sensible to replace rather than remove the tiles.

Councillor Stubbs commented that one window was left fully open during the recent bad weather and this was evident on the Committee's site visit and she asked when the property had last been checked; Mrs Walker was unable to give an answer. Councillor Stubbs next asked about the property being occupied and Council Tax being paid and Mrs Walker said that something came forward that the building was occupied, but this was incorrect.

Speaking of amenity, Councillor Jones asked if consideration had been given to using render; Mrs Walker said the conditions would address materials, but her client would not be adverse to render.

The Chairman said he had been surprised to find that Members were unable to access the site and view it from various points and he wished to know why access was not available. Mrs Walker apologised, saying that the site was secured. Had she been made aware that Members were visiting the site, she could have arranged access.

At the invitation of the Chairman, Parish Councillor Derrick Beckett, Isleham Parish Council, addressed the Committee and made the following remarks:

- Isleham was an edge of fen village. It had small shops and numerous examples of shops that had been sympathetically converted to homes, so it had not lost its character;
- Pattersons Stores was very prominent in the village and the Parish Council wished to see it saved. It was in the Conservation Area and part of the village's heritage;

- The building had deteriorated since last being occupied;
- Isleham was characterised by clunch and demolishing the buildings would cause demonstrable harm. Disturbance to the clunch pits could crumble walls;
- The proposed density of 10 dwellings per acre was too high for the rest of the site and the level of overshadowing would be unacceptable;
- He asked that the application be refused and a better proposal brought back to Committee.

In response to a question from Councillor Downey regarding what he thought would be ideal, Councillor Beckett said the site should be viewed objectively because it was an integral part of the village. The scheme should be something more favourable in terms of density and the height of the proposed dwellings.

Councillor Trapp asked if the village wished to retain the clunch wall and Councillor Beckett replied that there were builders who could rebuild it if retention was possible.

Councillor Downey wondered what Councillor Beckett found particularly unsympathetic about the development and the latter said that replacing the shop front, the clunch building and the 3 tile buildings would result in something that was not much different to any other development.

At the invitation of the Chairman, Councillor Julia Huffer, a Ward Member for Fordham & Isleham, addressed the Committee and made the following points:

- She struggled with the concept of buying a building and leaving it vulnerable and then replacing it with something unsuitable and out of keeping;
- People were far too quick to knock down buildings;
- The applicant should listen to the views of the village.

Councillor Trapp enquired whether all should be restored, or just the frontage of the store; Councillor Huffer said it should be the frontage. She thought it strange that Members could not access the site, as the Police, having been called there several times, had been able to do so. It appeared to her that access was selectively available.

Councillor Schumann asked the Case Officer to explain how she came to the conclusion that neglect could not be proven. She said that one could see the state of the building, but she could not comment; it was a case of making a balanced judgement.

The Chairman interjected to say that with the building being in the Conservation Area, there would have to be a proven benefit to the community in allowing it to be demolished. He also felt that there was confusion regarding occupancy and Council Tax.

Councillor Ambrose Smith said that she had heard the arguments for retention of the building and in her own community she had seen commercial properties turned to dwellings. The clunch wall was very attractive but she wondered how the back of the site could be successfully developed. She was doubtful about the number of properties that would be available.

Councillor Wilson was doubtful that it would be practical to do anything with the building. The proposal offered new buildings of a simple design in the Conservation Area. He believed that Plot 6 would be too tall and therefore impracticable for the neighbours. He would prefer the application to be refused on the grounds of design and the applicant to come back to Committee.

Councillor Schumann said the same window was open when he had passed the property last week. He believed there was evidence to suggest deliberate neglect and reminded Members that therefore it did not comply with the NPPF and Policy ENV11 of the Local Plan due to the deliberate neglect. It was not the Committee's problem if it was not viable to restore the building. He also agreed with Councillor Wilson about overshadowing having a detrimental impact. This proposal was overdevelopment of the site, it was not in keeping and did not reflect the street scene.

Councillor Downey did not feel that the allegations of neglect, the talk of antisocial behaviour or Members being unable to access the site could be laid at the feet of the developer. Some buildings at the rear of the site were in such a state of disrepair that a few missing tiles was not an issue. There was understandable concern that the High Street was losing its 'feel', but without development, people would not come to the village. It was questionable that the proposal flew in the face of the character of the village and it would not be the end of the world if Isleham had new buildings. There was a choice between having this development and leaving the site in a state of disrepair, and he could not find any convincing arguments against the scheme.

Councillor Edwards believed the density of the site was too high and said she would like to see the applicant come back to Committee with something else.

Councillor Brown agreed saying that the benefit of additional housing did not outweigh the harm to the character of the village.

It was proposed by Councillor Schumann and seconded by Councillor Wilson that the Officer's recommendation for approval be rejected and the application be refused. When put to the vote the motion was carried, there being 10 votes for and 1 against.

It was resolved:

That planning application reference 18/01375/FUL be REFUSED for the following reasons:

- Overshadowing and impact on residential amenity caused by Plot 6 on property in Limestone Close;
- Overlooking potential from a window on Plot 6;
- Overdevelopment of the site in a sensitive location;
- The design is not in keeping with the street scene and built form;
- Deliberate neglect is demonstrable and therefore the proposal is contrary to the National Planning Policy Framework and Policy ENV 11.

**9. 18/01607/OUT – LAND WEST OF 51 HILLROW, HADDENHAM**

Dan Smith, Planning Consultant presented a report (reference U11, previously circulated) which sought outline permission for the erection of up to two dwellings. Approval for the detailed matter of scale was being sought while access, appearance, landscaping and layout were reserved for future consideration.

The application site was an undeveloped parcel of land to the south of Hillrow. It was located outside but immediately adjacent to the development envelope for Haddenham which extended to the eastern side boundary of the site. The site was not within the Conservation Area, but the boundary ran along the front of the site and included buildings on the north side of the road.

It was noted that the application had been called in to Committee by former Councillors Steve Cheetham and Stuart Smith to allow a wider debate, given the local concerns regarding the application.

A number of illustrations were displayed at the meeting, including a map, aerial view and an indicative layout of the proposal.

The main considerations in the determination of the applications were:

- Principle of development;
- Sustainability of the site;
- Highway safety and parking;
- Residential amenity;
- Visual impact and historic environment; and
- Biodiversity.

The Committee was reminded that as the site was outside the development envelope, it was contrary to policy Growth 2 of the Local Plan which sought to direct development to sites within development envelopes. However, the Council could not currently demonstrate a 5 year supply of

available housing land and in those circumstances the NPPF required that applications for housing be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits derived from the development. A balancing exercise therefore needs to be carried out, weighing the benefits of the scheme against any adverse impacts.

The site was accessible via a paved footpath from the centre of Haddenham via a footpath on the north side of Hillrow. Haddenham provided a good range of services and facilities for residents, as well as opportunities for employment and public transport links further afield.

On the basis of its proximity to the development envelope and the accessibility of the site from the centre of Hillrow, the site was considered to provide future occupants with sustainable transport options and with access to a good range of services and facilities. It was therefore considered that the site was sustainable for residential development.

With regard to highway safety and parking, the detailed arrangements were reserved for future consideration and the application only needed to demonstrate the potential for the site to be safely accessed. A drawing demonstrated that the required visibility splays of 120m in both directions could be achieved. There was adequate space on site to provide parking and turning for two domestic vehicles per property.

The existing dwellings on the south side of Hillrow did not benefit from footpath access along the south side of the street, and the Local Highways Authority highlighted the lack of footpath link and the potential for highway safety impact in respect of pedestrians. However, it was considered that the risks were very limited and could adequately be mitigated by the provision of a new crossing point to the south side of the road. This would not be a formal traffic crossing point, but would likely take the form of a short area of footpath to the south side of the road on the site frontage providing a safe place for pedestrians to cross to and from.

The site was currently a gap site between the existing ribbon development on the south side of Hillrow to the east of the site and the old church rooms to the west. The proposed dwellings would be on land at a lower level than that of the road. The development of the site was not considered to cause harm to the visual amenity of the area or to the setting of the Conservation Area opposite and it was not considered to harm the setting of the listed buildings in the vicinity.

The detailed matters of layout and appearance were reserved for future consideration, but given the width of the site and the limited height of the dwellings proposed, it was considered that two dwellings could be accommodated on site without any significant loss of light, visual intrusion or overshadowing to the residential dwellings to either side or those opposite the site. It was also considered that a window arrangement could be designed to ensure that there would be no significant loss of privacy for neighbouring dwellings. Noise and disturbance during construction at unsociable hours would be mitigated by controlling the hours of construction.

A Preliminary Ecological Appraisal was undertaken for the site and it concluded that there was no roosting opportunity for bats, there was some ground cover for birds and it would not impact on Great Crested Newts. The site was assessed as being suitable in some parts for reptiles. A follow up survey was conducted and found evidence of a single grass snake under a refuge within the site, but no other reptiles were found.

Mitigation measures would be addressed by way of conditions and a scheme of biodiversity enhancement was proposed to ensure the development complied with national and local policy.

In connection with other material matters, it was noted that the Council's Environmental Health Officer considered that an investigation of contamination would be required prior to development and this would be addressed by a condition.

The site was located in Flood Zone 1 and was therefore considered to be acceptable in terms of its susceptibility to and impact on flood risk and drainage.

No adverse impacts had been identified and therefore no harm existed that would significantly and demonstrably outweigh the benefits associated with the provision of the additional dwellings. As such, the consideration of the scheme on the tilted balance indicated that the proposed development should be approved.

At the invitation of the Chairman, Mrs Jane Howell spoke in objection to the application and made the following remarks:

- She lived in the Old Church Room and her garden faced south, giving her breathtaking views;
- It was a real sanctuary for wildlife and when she first moved there, it was an area of best landscape. It was sad to see Hillrow losing its rural historic and agricultural feel and character;
- Cutting into the grass verges had diminished the character of the area and traffic had increased, making the road dangerous. There was a hazardous section of road where the bend was obscured and she was worried that the traffic problems were not being recognised;
- How does the pedestrian crossing make the proposal sustainable;
- The extraordinary setting at the Porch House was being destroyed and she urged Members to refuse the application.

At the invitation of the Chairman, Mr Ben Pridgeon, agent, addressed the Committee and made the following comments:

- In terms of scale, the height and footprint of the proposal was based on dwellings to the east;

- The site was infill and did not have any protected species on it. There would be no adverse impact on ecology;
- It was a sustainable site with sufficient visibility to the left and right and visibility of 120 metres could be achieved;
- No concerns had been raised by any of the statutory consultees;
- The delivery of the dwellings would be within 5 years;
- The principle of infill dwellings was acceptable and he commended the scheme to the Committee.

Councillor Brown asked why access had not been included in today's application when Mr Pridgeon had said that the work had already been done on it. Mr Pridgeon replied that the Case Officer had said he should show the splays, in order to demonstrate that they were safe.

Councillor Wilson enquired whether the dwellings would share an access or if each would have its own, and he was advised that this would be dealt with at the reserved matters stage.

Councillor Trapp, having noted that the site was part of a larger field, wished to know how the access to the field was to be arranged. Mr Pridgeon replied that this would be agreed when the site was sold.

At the invitation of the Chairman, Mr Alan James, Chairman of the Cambs & Peterborough branch of CPRE, addressed the Committee and made the following points:

- It was unusual for CPRE to be called to a site. He had a personal interest as he lived in Haddenham and he apologised for not being able to get somebody from another branch to come and address Members;
- The site was not sustainable and with limited employment opportunities in Haddenham, it was becoming a dormitory village;
- There was an ancient landscape pattern around Haddenham, the 'Haddenham Bowl';
- This development would have an unacceptable effect and infill would be a coalescing process;
- Ribbon development was changing the nature of the village and needed to be stopped – the gaps should be maintained;
- The proposal was outside the development envelope and not included in the Local Plan, therefore it was not consistent with Policies ENV1 and ENV2;

- Construction would negatively affect the listed buildings and careful thought should be given to the historic landscape;
- CPRE was concerned that high land would be in short supply by the end of the century, because of a loss of land due to flooding;
- The Parish Council strongly objected to the application;
- The road was not safe and there had recently been a serious road traffic accident.

Councillor Ambrose Smith thought it insulting that Mr James was implying that people should be expected to live somewhere, but not in Haddenham. Mr James replied that this was not what he was saying; it was more that there should be consideration of the commensurate employment space.

On a point of information, Councillor Schumann commented that the driver involved in the accident had been found to be using his mobile phone.

The Planning Consultant reminded Members that access was a reserved matter; today's meeting was looking at the principle of safe access and this had been demonstrated.

Councillor Wilson said he knew the road very well and it carried a great deal of traffic. The development to the north was against the hillside whereas the south side was not particularly developed. There was no pedestrian crossing provision and anyone coming back from Haddenham would be at danger from the traffic.

Having visited the site the previous day, Councillor Schumann agreed that the traffic was heavy. The application would fill a gap in the built form, the Council did not have a 5 year supply of housing land and he had seen dozens of such applications over the last few years. He had sympathy with Councillor Wilson's views but this was an outline application and that was what Members were being asked to consider today. Looking at the planning reasons, if access could not be delivered then the application could be refused, but Members should be mindful of the costs associated with an appeal.

Councillor Schumann said he agreed with the Officer's recommendation for approval, and the Chairman also expressed his support.

It was proposed by Councillor Brown and seconded by Councillor Downey that the Officer's recommendation for approval be supported. When put to the vote, the motion was carried, there being 9 votes for and 2 votes against. Whereupon,

It was resolved:

That planning application reference 18/01607/OUT be APPROVED subject to the recommended conditions as set out in the Officer's report.

*There followed a short comfort break between 4.15pm and 4.25pm.*

*Councillor Schumann left the Council Chamber at this point.*

**10. 19/00036/FUL – 5A WHITE HART LANE, SOHAM, CB7 5JQ**

Anne James, Planning Consultant, presented a report (reference U12, previously circulated) which sought planning consent for a development comprising 7 dwellings.

The application site comprised an irregular shaped area of land located on the northern side of White Hart Lane within the Soham Conservation Area. It was just outside of the town centre boundary but within the development envelope and the prevalent character of development here was mixed use.

It was noted that the application had been called in to Committee by former Councillor Hamish Ross due to issues concerning an overdevelopment of the site, potential traffic congestion and lack of parking for residents and visitors.

A number of illustrations were displayed at the meeting, including a site plan, aerial view, photographs of the street scene and surroundings, the proposal and elevations and floor plans.

The main considerations in the determination of the applications were:

- Principle of development;
- Previous reasons for refusal,
- Soham Conservation Area;
- highway and pedestrian safety/parking;
- Residential amenity; and
- Impact on trees.

Speaking of the previous reasons for refusal, the Planning Consultant said that the number of units on the site had been reduced from 9 to 7 and as a consequence, there was now additional parking, an appropriate turning area, pockets of communal landscaping and the retention of a number of the significant trees plus opportunities for tree planting. Some alterations had been made to the design, to be more in keeping with the special character of the Soham Conservation Area.

Given the Council's inability to demonstrate a 5 year supply of land for housing, it was considered that the resubmitted scheme had addressed the previous reasons for refusal and the presumption in favour of sustainable development applied.

With regard to visual amenity, the site currently supported a detached bungalow and detached garage which had no architectural, historic or visual significance. The proposed scheme represented the scale and informal

character of the type of service buildings found in this location and the 'mews' style was more in keeping with the type of development found within the historic core of Soham.

It was noted that the scheme would meet the requirements of the East Cambridgeshire Design Guide in relation to its spatial relationship with existing dwellings and it would provide an acceptable living environment for future occupiers of the development. General disturbance during construction could be mitigated by imposing conditions.

The site was in close proximity to services, facilities and a number of modes of public transport and was therefore considered to be locationally sustainable. There was an existing access in White Hart Lane and it was proposed that this would become a permanent shared use area. With the resubmitted scheme, vehicles would be able to enter, turn around and egress the site in a forward gear and sufficient allocated and visitor parking has been provided.

With the site being in an area of high archaeological potential in the historic core of the town, the County Archaeologist had requested that a Written Scheme of Investigation report be required as part of any consent. It was considered that the impact of the development could be comprehensively considered at a later date.

In terms of ecology, whilst a number of trees would be lost within the site, the proposal presented an opportunity to provide a net environment gain and further information could be submitted by way of a condition on the consent to enhance the ecology of the site.

With regard to other matters, ground contamination, flooding and drainage, waste and energy efficiency could all be dealt with by condition.

The Planning Consultant concluded her presentation by saying that it was considered that the adverse impacts of the scheme would not significantly and demonstrably outweigh the benefits, and the proposal was therefore recommended for approval, subject to conditions.

At the invitation of the Chairman, Ms Gemma Dudley spoke in objection to the application and made the following comments:

- She worked for Hewitsons and was speaking on behalf of Mr Hugh Scurrah, who owned properties to the east of the site;
- Mr Scurrah strongly objected to the proposal, believing it to be overdevelopment and that it would not protect the amenity of nearby occupiers;
- With 7 separate units, there would be a noticeable increase in noise and disturbance and there would also be considerable overlooking;

- It was clear that the existing parking spaces were inadequate because they were tandem. Vehicles had to reverse in and out and this was an issue of highway safety;
- Where would the displaced vehicles park, because there was no guarantee that the spaces would only be used by residents;
- The parking was not integrated with the development and it would dominate the views. It failed to provide safe access to the highways network;
- There was on-street parking on the narrow streets, which caused a nuisance and inconvenience;
- This overdevelopment would cause an unacceptable impact on amenity.

At the invitation of the Chairman, Messrs Paul Cunningham and David Dawkins addressed the Committee and made the following comments:

Mr Cunningham:

- They had worked with Officers to adapt the scheme and with Highways to ensure the scheme met their requirements;
- With regard to Mr Scurrah, the scale of the development had been amended to reduce the number of properties;
- He thought the development would deliver improvements to access and enhance parking on site, with 2 spaces per house;
- He believed it met the requirements of, and contributed to the Conservation Area and to the Council's 5 year housing supply;
- The issues relating to distance had been addressed;
- The boundary treatments would be beneficial;
- With regard to concerns about highway safety, the Churchgate Street access had been used as an access for 50 years;
- This would be a high quality development. The houses would be sustainable with photo cell roofs and air source heat pumps.

Mr Dawkins:

- He lived at 2 – 4 Churchgate Street; both his wife and son were disabled;
- The Churchgate access had been used for 100 years and cars would be able to use it;

- It was intended to demolish a small timber structure to increase the parking capacity.

In response to a question from Councillor Downey, Mr Dawkins gave the background to the proposal. He explained that Andrew Phillips, Planning Team Leader, had given them pre-application advice. There were subsequent discussions with the Conservation Officer and they were eventually asked to reduce the number of dwellings down to 7. They were planning to invest in Soham and this development was to be their flagship.

Councillor Jones asked Mr Dawkins if he was happy for the application to be subjected to 'green' standards and the latter replied that he would stand by his word. The Planning Manager added that Condition 12 would address this and the standard was acceptable at this level.

Councillor Trapp asked if there was a reason for all the properties being 3 bedroomed. Mr Dawkins replied that he believed it to be the appropriate choice for the town centre. Thinking of the 'Cambridge Effect', the development would likely be attractive to professionals and couples with young children. It would also promote the local economy.

Councillor Schumann said that having declared an interest in this item, he would exercise his right to speak and then leave the Chamber.

Members needed to consider Policies ENV2 and ENV11 and whether the proposal would preserve or enhance the locality. It would tidy up the area but there would be some amassing and with it being sited close to businesses there could be complaints about odour nuisance. The retention of the trees was very important. The previous application had been brought back to Committee and amended, and he believed that this was a better way to deal with it than refusing permission.

*At this point, Councillor Schumann left the Chamber.*

The Planning Consultant responded to the comment about odour nuisance by referring Members to paragraph 7.4.4 of her report, adding that occupiers of the properties would make their own choice.

Councillor Ambrose Smith felt the site needed tidying up. While the scheme would provide homes in the town centre, she had some concerns about the smell from the fish shop, but she was happy to support the proposal.

Councillor Wilson concurred, adding that there would be plenty of room and the parking provision was good.

Councillor Jones said he had some reservations regarding traffic, but he believed the development would be an asset for Soham.

The Chairman said that people had different needs and that was why some chose to live in the countryside and others preferred to be in a town

centre. He thought the scheme would be a clever use of a restricted area and acknowledged the commercial environment in Market Street. The Town Council supported the application and he too was in favour of the scheme.

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

It was resolved unanimously:

That planning application reference 19/00036/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

*At this point, Councillor Schumann returned to the Chamber.*

#### **11. 19/00042/FUL – 14A THE COTES, SOHAM, CB7 5EP**

Dan Smith, Planning Consultant, presented a report (reference U13, previously circulated) which sought full planning permission for the conversion of an existing storage building to a dwelling.

The application site was located on a parcel of land between The Cotes and Blackberry Lane, immediately to the north east of 14A The Cotes. It was outside of the established development envelope of Soham, approximately 600 metres from the nearest point of the envelope and over 1.5 kilometres from the centre of Soham.

It was noted that the application had been referred to Planning Committee at the request of former Councillor Mark Goldsack as he considered the Committee to be the appropriate place to make a decision and as previous applications on the site had been determined at Committee.

A number of illustrations were displayed at the meeting, including a map, aerial view and the elevations and layout of the proposal.

The main considerations in the determination of the applications were:

- Principle of development;
- Sustainability of the site;
- Planning history;
- Highway safety and parking; and
- Residential amenity.

The Planning Consultant reminded Members that Policy GROWTH 2 of the adopted Local Plan stated that outside of defined development envelopes, the only housing development that would be permitted was affordable housing exception schemes where those schemes had no significant adverse impact

on the character of the countryside or other Local Plan policies. The current scheme did not meet that definition.

However, as the Council could not currently demonstrate a 5 year supply of available housing land the NPPF required that applications for housing be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits derived from the development. A balancing exercise therefore needed to be carried out, weighing the benefits of the scheme and any adverse impacts.

In terms of sustainability, the site was over 1.5 kilometres from the town centre. There was no paved footpath or public transport and so occupants would rely almost exclusively on private motor vehicles to access facilities and services in the wider area.

Planning Inspectors had previously considered the issue of the sustainability of the site in respect of an independent dwelling (15/01138/FUL – Appendix 1) and an annexe to the existing dwelling (16/01536/FUL – Appendix 2). They had come to the same conclusions regarding the isolation from community services and facilities and the over-reliance on the private motor vehicle and had concluded that this was contrary to the social and economic dimensions of sustainable development.

The two appeals were refused and both were material considerations in the determination of this application, given that the circumstances on site and the situation with the lack of a 5 year housing land supply remained the same.

The Local Highways Authority had raised no objections. Parking could be provided for at least 2 domestic vehicles and given the lightly trafficked nature of the access, it was not considered that the proposed change of use would cause any significant impact on highway safety.

With regard to residential amenity, the building was existing and would not cause any harm to the occupiers of neighbouring dwellings as a result of its built form.

Speaking of other material matters, the Planning Consultant informed Members that the site was of a low biodiversity value and there would be limited opportunities for enhancement. A change of use would not significantly impact on the appearance of the building or its impact on the area. The site was located in Flood Zone 1 and it would not significantly impact on drainage arrangements.

Turning to the planning balance, the benefits of the scheme were considered to be relatively limited. The adverse impact identified was the harm caused by the unsustainable location of the site and the conflict with the social and environmental objectives of sustainable development. This was considered to be so significant that it significantly and demonstrably outweighed the provision of the dwelling.

The tilted balance indicated that the proposed development should be refused and this conclusion was consistent with two previous appeal decisions for the site.

At the invitation of the Chairman, Mr Henry Doble, agent, addressed the Committee and made the following points:

- The ancillary building for storage was no longer needed so the applicant wanted to convert it to a stand-alone dwelling and would be in accordance with the NPPF as it was a subdivision of an existing dwelling;
- The scheme would have a minimal environmental impact and unsustainability was the only issue;
- The dwelling was clearly deliverable and as the building was already there it would have a minimal impact and the single storey bungalow would be suitable for an elderly or disabled occupant;
- The distance from the town centre was walkable in 15 – 20 minutes, therefore the proposal was acceptable and demonstrably sustainable;
- Application 18/01463/FUL (27 The Cotes) had been approved at Officer level. Recommending this application for refusal showed disparity and inconsistency;
- The Council could not demonstrate a 5 year supply of land for housing and so the application was supported by policy.

Councillor Brown asked when the building was constructed, and Mr Doble replied that he was not sure, but he thought it was within the last 2 years.

Councillor Jones enquired about the reason for the substantial change of use when the building had been intended for storage. Mr Doble advised there had been a change in circumstances. Continuing on this point, Councillor Wilson interjected to ask why there was a brick wall between the two properties and why it was '14B The Bungalow' when it was supposed to be used for storage. Mr Doble replied that he was not aware of this.

Councillor Ambrose Smith felt that reality was being pushed too far and said that it must be very embarrassing for Mr Doble to argue that the bungalow was actually a shed/barn. She also asked about the necessity of having so many windows in the building and he replied that there was no specification regarding the number of windows.

Councillor Schumann asked Mr Doble to explain what had changed that the Committee should change its stance regarding the recommendation to refuse the application. Mr Doble replied that the case should be decided on its own merits, and besides which, the Council did not have a 5 year supply of

housing land. Councillor Schumann responded by saying that the Authority did not have a 5 year supply when the previous application was determined.

Councillor Stubbs wished to know why there was no linkage to the main house and Mr Doble replied that he had not been involved in the previous applications, so he could not comment.

Councillor Wilson said it was irritating when rules were flouted and enforcement action should be taken. The Planning Manager assured him that having been brought to Officers' attention, the appropriate action would be taken depending on today's decision.

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

It was resolved unanimously:

That planning application 19/00042/FUL be REFUSED for the reason given in the Officer's report.

## **12. 19/00299/MPO – LAND NORTH OF CAM DRIVE, ELY**

Angela Briggs, Planning Team Leader, presented a report (reference U14, previously circulated) which sought to vary the original S106 Agreement for the development to address the following specific areas under Schedule 4 and appendix 9:

- Bring forward the delivery of the Extra Care Home facility which forms part of the overall affordable housing provision (Phase 2b); and
- Revise the specifications of the Cricket Pitch Facility and the Trim Trail (to be delivered as part of Phase 2).

The site was located at the northern fringes of the City and formed part of the Isle of Ely rising gently above the surrounding fens. It was bounded by Cam Drive to the south, the A10 to the west, and by Chettisham village and open fields to the north. To the east the site boundary enclosed King Edgar Close and Lily House and grounds and was bounded by Lynn Road and residential dwellings fronting onto that road. The south of the site was approximately 1 kilometre from the City centre, with Lynn Road being the direct linking route.

It was noted that the application was being brought before the Planning Committee because it was Members' wish for the Extra Care Home to be delivered in a timely manner, and to agree any changes to the S106 obligation as part of this strategic development.

A number of illustrations were displayed at the meeting, including a site location plan, phasing plan, an extract from the Ely Masterplan and details of the sports pitch and relocation of the children's play area.

Approving the variation would facilitate delivery of the Extra Care Home in a timely manner without the potential delays of being considered as part of a larger application and provide a much needed facility in the local area.

The Cricket pitch changes and the re-location of the children's play area would ensure that the appropriate provisions were delivered in keeping with the spirit of the original S106 agreement.

The proposals were considered to be acceptable and the application was therefore recommended for approval.

At the invitation of the Chairman, Mr Duncan Jenkins, agent, addressed the Committee and made the following remarks:

- He was the Project Director for the development;
- There were two aspects to the variation: the delivery of the care facility and the sports pitches, securing everything in the S106 Agreement;
- He wished to thank the Members of the City of Ely Council and ECDC's Infrastructure & Strategy Manager, Sally Bonnett, for all their help;
- He was happy to answer any questions.

Councillor Brown sought clarification regarding the children's play facility. Mr Jenkins said it was originally planned to be included within the site for the sports pitches, but due to the size and requirements for the pitches, this provision had been moved off-site within the Long Fen Country Park Area. It was known as the 'Trim Trail' and would include sufficient play equipment provision to meet the needs of the community

Councillor Trapp asked where the cricket pitch was in relation to the Trim Trail and Mr Jenkins replied the Trim Trail was to the west, and the cricket pitch in the middle.

Councillor Wilson asked if provision would include nets for practice and Mr Jenkins confirmed that this had been agreed with the City of Ely Cricket Club.

There being no further comments or questions, it was proposed by Councillor Schumann and seconded by Councillor Ambrose Smith that the Officer's recommendation for approval be supported.

When put to the vote, the motion was declared carried, there being 10 votes for and 1 vote against.

It was resolved:

To APPROVE the Deed of Variation to vary the original S106 agreement to include a new paragraph to be inserted in Schedule 4 in relation to the delivery of the Extra Care Home, and a revised appendix 9 relating to

the specifications for the Cricket Facility Scheme (replacing the original agreement at Appendix 9).

*At this point Councillor Schumann offered apologies, saying that he had to leave the meeting. He explained that his Vice Chairman of another meeting had been taken ill and he would therefore have to attend it.*

**13. 19/00329/OUT – 3 MAIN STREET, WENTWORTH, CB6 3QG**

Toni Hylton, Planning Officer, presented a report (reference U15, previously circulated) which sought permission for up to 2 dwellings, with access from Main Street along the boundary with No. 3 Main Street.

The application was made in outline with all matters reserved apart from access. Appearance, landscaping, layout and scale had not been provided and did not form part of the application. The application stated that the proposal would be for self-build plots as opposed to a developer or market housing.

In January 2019 an application for the same site, proposing 3 houses, was recommended for refusal and supported by Members. This scheme was exactly the same as the previous application, the only difference being a reduction in the number of units from 3 to 2.

The site was located to the rear of two pairs of semi-detached 2 storey dwellings on Main Street. It sat slightly higher than the road and was open on the remaining sides to the rural area, with no built form. It was not within the development envelope or a Conservation Area.

It was noted that the application had been called in to Planning Committee by Councillor Lorna Dupré, as she believed that it should be considered in the context of recent consents for other back land development in close proximity on Main Street, notably 15/01567/FUL and 17/00786/FUL, and also 18/00840/OUT on the other side of the road opposite the application site.

A number of illustrations were displayed at the meeting, including a location plan, aerial view, the proposal and an indicative block plan.

The main considerations in the determination of the application were:

- Principle of development;
- Residential amenity;
- Visual amenity;
- Highways;
- Ecology; and

- Flood Risk.

The Planning Officer reminded Members that the Authority was currently unable to demonstrate a 5 year supply of land for housing and therefore local planning policies relating to the supply of housing had to be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development unless any adverse effects of the development significantly and demonstrably outweighed the benefits.

Although located outside the established development of Wentworth, the proximity of the site to the settlement boundary was considered to be sufficient to consider it as being in a sustainable location.

In terms of residential amenity, it was considered that the site could be designed to ensure that the neighbours' amenities could be maintained using the distances between the existing and proposed dwellings in accordance with the Design Guide SPD. This could be achieved through the final design of the dwellings and landscaping.

The site was to the rear of semi-detached dwellings and visually would have limited impact when viewed from the front of the existing dwellings. However it would be prominent when viewed from the playground and Main Street where there was a gap in the residential development.

The street was characterised by linear development and the development would be out of keeping with the character of the area. It was considered that the provision of 2 dwellings in this rural location, where the land sits higher, would be detrimental to the visual character and amenity of the area, as it would protrude into the open countryside. The significant harm of the proposal was considered to outweigh the provision of two dwellings.

Speaking of ecology, the Planning Officer said that the site was unlikely to be of a sensitive nature for protected species. It was not overgrown and was used for grazing horses. On this basis the proposal was unlikely to cause harm to protected species. If granted planning permission, the approval would require a condition for biodiversity measures in the final build of the proposal.

The site was within Flood Zone 1 and a scheme for foul and surface water drainage could be secured by condition.

Turning next to whether the previous approvals were comparable, the Planning Officer said that the site for application reference 15/01567/FUL was within the residential curtilage of 'Sunnyacre' and not an open field as with this proposal.

In 2017 planning permission was granted for 17/00786/FUL on the basis of previous approvals for a dwelling on the site. The proposal was for a detached, sustainable, low energy dwelling, garage and associated works; it had always been made clear that a dwelling on the site should comply with those criteria.

It was considered that the circumstances around these applications were different to those of the proposal before Members. No two sites had the same context and relationship, and each application should be judged on its own merits.

The proposal was not considered to be an acceptable form of development and would have a harmful impact on the open character of the area and was therefore recommended for refusal.

At the invitation of the Chairman, Mrs Ruth Gunton, agent, addressed the Committee and made the following comments:

- Following refusal of the previous application in January 2019, the applicant had listened to the concerns raised and made improvements to the scheme by reducing it to 2 dwellings;
- There would be additional planting and screening and removal of garages which could be secured at reserved matters;
- She disputed that the site was in open countryside and the extent of the built form had been substantially reduced. The development would not extend further into the countryside
- Single storey dwellings were appropriate and a bin store would now be provided;
- There had been a significant positive response to the application from the neighbours;
- In terms of residential amenity, the land to the north could still be accessed;
- There would be no harm to the character of the area and the dwellings would contribute to the District's housing stock;
- Members should support the application.

At the invitation of the Chairman, Councillor Lorna Dupré addressed the Committee and made the following points:

- She wished to draw attention to the way in which the site fitted into the location;
- It sat in the middle of a moderately developed village street and the backland development would extend no further than that of the already approved dwellings further along the street;
- The scheme seemed to be a proportionate development established by the other approved dwellings;

- There was a high level of support from the population and she encouraged Members to grant permission.

The Planning Officer reiterated that the bin storage and landscaping would be reserved matters and whether or not the dwellings were single storey was not part of this application.

Councillor Wilson asked whether it would be reasonable to impose a condition regarding scale. The Planning Manager reminded the Committee that today they were being asked to consider if they were happy with the access to the site and the principle of two dwellings. If Members were so minded to approve, future reserved matter applications could come back to Committee. In response to a query from Councillor Trapp, she confirmed that if the outline application was granted permission, it could still be refused at the reserved matters stage.

The Chairman, having noted that an application for 3 houses had been refused in January 2019, asked the Case Officer if her recommendation would be the same regardless of the number of dwellings proposed. She replied that it would, in keeping with the previous applications.

Councillor Wilson believed the application should be approved. He did not think the site was in open countryside, it was not visually intrusive or against the character of the area and backland development had already been allowed in Wentworth for various reasons.

Councillor Brown disagreed, saying that he could see nothing exceptional about the proposal. Councillor Stubbs concurred, adding that this had been to Committee before and apart from the reduction in the number of dwellings, the facts remained the same.

Councillor Downey said he struggled to see how anyone could object to the application when it was outline. Other houses had been granted permission with specifics and he therefore supported the application.

In proposing that the Officer's recommendation for refusal be supported, the Chairman said that the application site was in the open countryside and the proposal would damage the character of the area. Furthermore, the eco-house was of an exceptional design.

The motion for refusal was seconded by Councillor Brown, and when put to the vote, was declared carried, there being 6 votes for and 4 votes against. Whereupon,

It was resolved:

That planning application reference 19/00329/OUT be REFUSED for the reasons given in the Officer's report.

**14. 19/00371/FUL – 16 DUCK LANE, HADDENHAM, CB6 3UE**

Andrew Phillips, Planning Team Leader, presented a report (U16, previously circulated) on behalf of the Case Officer; the application sought permission for a two storey side extension and a single storey rear extension.

The application site was occupied by a semi-detached two storey dwelling located on a corner plot. It was located on the southern side of Duck Lane and Cherry Orchard, within the development envelope of Haddenham in an established residential area. The property was set back slightly from the road and benefitted from a rear, side and front garden, with a boundary hedge to the front and wooden close boarded fencing to the side and rear.

This part of Duck Lane consisted of a uniform building form of similar style, size and designed semi-detached dwellings, with a mixture of brick and rendered exteriors. The properties in nearby Cherry Orchard were slightly more modern, but also had a very uniform building form of similar style, size and designed semi-detached dwellings.

It was noted that the application was called in to Planning Committee by former Councillor Stuart Smith for wider discussion.

A number of illustrations were displayed at the meeting, including a location plan, aerial view, the elevations and floorplan and photographs of the street scene.

The main considerations in the determination of the application were:

- Residential Amenity;
- Visual Amenity; and
- Highway Safety.

Speaking of the principle of development, the Planning Team Leader said there appeared to be sufficient distance to prevent any significantly harmful impacts on amenity and there was not considered to be any harm to neighbour amenity.

In connection with visual amenity, there was a strong building line both on Duck Lane and Cherry Orchard which the original dwellings fronted and the side elevation followed. The proposed extension would extend beyond the established building line of Cherry Orchard to the south and it was considered to result in an unacceptable degree of harm to the character and appearance of the dwelling, surrounding area and street scene. The proposed extension would therefore appear overly prominent given the corner plot location and would result in development that would be visually intrusive within the street scene.

The Committee noted that under planning reference 18/00072/FUL a two storey side extension was originally proposed, but this was removed on Officer's advice during the course of the application. This was reduced to a single storey side extension given concerns in relation to the projection beyond the building line of Cherry Orchard.

The Committee was shown photographs of the street scene and also of the two storey side extensions at 13 Duck Lane (03/00576/FUL) and 49 Cherry Orchard (15/00566/FUL). The Planning Team Leader reiterated that the application before them today should be judged on its own merits, but Members should also take into consideration the previous planning history.

It was noted that at the time of the site visit the dropped kerb and driveway, as granted under planning reference 18/00791/FUL, had been implemented on site. No objection had been received from the Highway Authority and there would be sufficient space on site for parking and manoeuvring.

The applicant had confirmed that if the scheme was granted approval, he would be content to agree that no further work be carried out in respect of the original rear extension approval (reference 18/00072/FUL). While he would prefer this to be secured by condition, he would if necessary, be prepared to sign a S106 Agreement.

The Planning Team Leader concluded his presentation by saying that the proposed side extension did not have a detrimental impact on car parking for the site or cause unacceptable harm to the residential amenity of the neighbouring occupiers. However, it was considered that this was outweighed by the proposal causing significant and demonstrable harm to the visual amenity of the host building and character of the surrounding area, which failed to visually protect or enhance the street scene by protruding beyond the established building line of Cherry Orchard to the south. The application was therefore recommended for refusal.

The Planning Team leader stated that in Officers' opinion if Members were to grant approval, a S106 Agreement would not be necessary, as even if the previous approved two storey extension was built as well, it would cause no additional detrimental harm.

At the invitation of the Chairman, Mr Ben Page, applicant, addressed the Committee and made the following comments:

- He owned, and lived at 16 Duck Lane with his partner and child and wanted more space for his family;
- The porch had been built from the original permission but the rear extension approved was not practical as it would take up too much of the rear garden space;
- The previous approved development was not ideal for their needs;

- Duck Lane was diverse and he could not agree that the proposal was out of character or would cause harm;
- 13 Duck Lane, opposite, had a two storey side extension;
- The Design Guide SPD allows adoption to dwellings via extensions;
- The work done so far showed his commitment to achieving a high quality build and he believed the scheme would enhance the area;
- The building lines in the locale were stepped and angled;
- 49 Cherry Orchard was granted permission for a two storey side extension in 2015;
- A two storey side extension would be visible, but it would reflect the changing character of the street scene and the approved two storey rear extension would be visible anyway;
- It would not cause significant harm. There had been no technical, neighbour or Parish Council objections;
- In response to a question from Councillor Jones, he confirmed the front would be rendered

At the invitation of the Chairman, Councillor Julia Huffer said she was speaking on behalf of former Councillor Stuart Smith who had called in the application. She read from a prepared statement:

*'Thank you Chair and members of the Planning Committee for allowing me to speak on behalf of this application. Haddenham is a wonderful village with many beautiful houses and Duck Lane is no exception. However, it is also a place of many types of housing and Duck Lane is no exception. I'm sure you noticed on your visit to Duck Lane this morning all sorts of houses bungalows, detached and semi-detached, extended, original with porches and without and old houses mixed with new, in fact an enormous variety of housing. So I ask you what real harm this extension will do to the area. To say that it will be visually intrusive or appear overly dominant seems to be stretching a point when planning permission has been granted for a three bedroomed dwelling on the site of the garage of the house opposite. To say it will affect the building line when clearly there has been an extension of a similar size on Cherry Orchard less than 500 yards away seems to be unfair. I understand there are also plans for houses to be built in the car park of the old pub just a few doors down from this site which will also breach the building line. It seems to me that this is not sufficient reason to refuse permission.*

*The original planning permission was for an extension of a similar size but was not what the applicant wanted but suggested to them as a compromise by the Planning Department. Who hasn't agreed to something suggested by someone else and then realised it was suggested by someone who would never have to either live in it or with it. This is the case here, the applicant has*

*come to realise the loss of their back garden is too high a price to pay when there is dead space at the side of the house which is begging to be used. With young children the space in the garden is every bit as important as space in the house.*

*So I ask you as a Committee to overturn the Planning Officer's decision and grant this permission, after all I believe this falls into what the Planning Inspectorate would call the 'so what harm would be caused' category.'*

Councillor Brown asked the Planning Team Leader if a S106 would be needed to remove the previous permission; the Planning Team Leader confirmed this to be the case.

Councillor Wilson believed that Councillor Huffer had made a very clear case in support of the application and he duly proposed that the Officer's recommendation for refusal be rejected. He did not think the scheme would cause demonstrable harm and besides which, the neighbours and Parish Council were in favour. This was what the applicant wanted and it would be nonsensical to refuse the application because of the building line; the application should be approved.

In seconding the motion for approval, Councillor Trapp said he had found the site visit to be very illustrative and the only intrusion would be for numbers 19 and 21; others would see nothing.

Councillor Brown agreed, adding that he could not see what difference the proposal would make to the building line, but sought a materials condition.

The Chairman commented that these days there was enormous pressure for families with children to extend their homes rather than move.

When put to the vote,

It was resolved unanimously:

That planning application reference 19/00371/FUL be APPROVED for the following reasons:

- The extension will not cause significant or demonstrable harm to the host dwelling or the character of the surrounding area;
- The extension would not be intrusive.

It was further resolved:

That the Planning Manager be given delegated authority to impose suitable conditions and to draw up a S106 Agreement.

## **15. PLANNING PERFORMANCE REPORTS – MARCH & APRIL 2019**

The Planning Manager presented two reports (U17 and U18, previously circulated) which summarised the planning performance figures for March and April 2019.

She explained that Members would normally receive only one report each month, but as this was the first meeting of Committee since the elections, they were being provided with information for March and April.

The report set out statistical information on the types of applications received and the numbers determined on time.

It was noted that the Department had received a total of 198 applications during March 2019, which was a 17% increase on March 2018 (170) and a 22% increase from February 2019 (162). A total of 207 applications were received during April 2019, which was a 3% increase on April 2018 (201) and a 5% increase from March 2019.

The monthly report gave details of the number of valid appeals received and those that had been decided. It also listed the number of new complaints received by Enforcement, those cases that had been closed, and the open cases per Officer. Details of forthcoming public enquiries would be included so that everyone could be kept up to date.

The Planning Manager asked Members to let her know if they wished anything about the report to be changed, or additional information to be included.

Councillor Brown asked why the enforcement section made reference to 'Proactive' cases and the Planning Manager replied that this was where the team had worked in Littleport, Ely and Soham actively looking for breaches rather than waiting for them to be reported.

The Chairman informed Members that the Authority received approximately 2,000 – 2,500 planning applications each year, and of these, about 100 came to Committee. Bearing in mind that it cost £600 - £1,000 to call in an application, he asked that Members think twice before calling in. Any Councillor could call in any application, but it was not really etiquette to call in an application for a Ward other than their own. The local Member would have the knowledge, so it would be better to co-operate by speaking to them first.

Whereupon,

It was resolved:

That the Planning Performance Reports for March and April 2019 be noted.

The meeting closed at 6.35pm.

