



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday, 2<sup>nd</sup> October 2019 at 2:00pm.

### **PRESENT**

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

### **OFFICERS**

Emma Barral – Planning Officer  
Angela Briggs – Planning Team Leader  
Maggie Camp – Legal Services Manager  
Rachael Forbes – Planning Officer  
Angela Parmenter – Housing & Community Safety Manager  
(Agenda Item No.11)  
Andrew Phillips - Planning Team Leader  
Juleen Roman – Enforcement Team Leader  
Janis Murfet – Democratic Services Officer  
Rebecca Saunt – Planning Manager  
Angela Tyrrell – Senior Legal Assistant  
Russell Wignall – Legal Assistant

### **IN ATTENDANCE**

Cllr Lorna Dupré (Agenda Item No. 5)  
Approximately 10 members of the public

#### **34. APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Cllrs David Brown and Josh Schumann.

It was noted that Cllr David Ambrose Smith would substitute for Cllr Brown for the duration of the meeting.

### **35. DECLARATIONS OF INTEREST**

Cllr Jones declared an interest in Agenda Item No.6 (Site South West of 6 Lode Lane, Wicken) in that he was a member of the National Trust and Wicken Fen was a National Trust site.

### **36. MINUTES**

It was resolved:

That the Minutes of the meeting held on 4<sup>th</sup> September 2019 be confirmed as a correct record and signed by the Chairman.

### **37. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- A seminar on the North Ely development was being held in the Ely Sessions House at 6:00pm on Thursday, 3<sup>rd</sup> October 2019, and all Members were urged to attend;
- A Member seminar on affordable housing had been arranged for Thursday, 24<sup>th</sup> October 2019. It would be held in the Council Chamber and commence at 6:00pm;
- This Authority received approximately 2,000 planning applications per year. Of those, about 100 came to Committee and the other 95% were dealt with under delegated authority. It cost approximately £1,000 to bring an application to Committee, and Members were asked to bear this in mind when considering making a call-in;

Some applications automatically came to Committee. He wished to underline that Planning Committee was quasi-judicial and Members had to keep an open mind. If they discussed an application and expressed an opinion in public, this disqualified them from hearing the case, taking part in any debate or voting on that item;

- He was sad to say that some Members had been subjected to harassment and threats at their homes. So far such incidences had been dealt with by letter, but such behaviour was unacceptable and if any Member experienced this, they should report the matter to the Monitoring Officer;
- Members were reminded that a call-in should only really be made by the local Member. However, there were exceptions and if a Member wanted to call in an application that was outside their Ward, they should first discuss it with the local Member and work with them;

- He had noted that a Member wished to call in any current and future applications relating to the Kings of Witcham site. This was not correct, as all planning applications had to be called in on a case by case basis.

**38. 19/00125/VAR – KINGS OF WITCHAM LTD, THE SLADE, WITCHAM**

Emma Barral, Planning Officer, presented a report (reference U82, previously circulated) which sought planning consent for a variation to the construction of eight detached dwellings approved under LPA Reference 17/00689/FUL on land that used to be occupied by the Kings of Witcham garage and car sales facility.

Historically, the redevelopment of the site had been supported by the District Council since 1993 when the demolition of the garage and erection of 8 bungalows was approved. This application sought planning consent for a variation to the construction of eight detached dwellings approved on the 7<sup>th</sup> June 2018 and proposed to vary Condition 1 which related to the approved plans.

Planning conditions relating to materials, archaeology, tree protection, Construction Environmental Management Plan, Great Crested Newts, external lighting, maintenance and management, the footpath link to silver street, bin store and foul and surface water drainage had been discharged. The planning condition relating to contamination had been part discharged.

The developer had confirmed that the floor to ridge heights of the elevations were not proposed to change. Only the updated finished floor level heights for the proposed dwellings had increased by an estimated average of 50cm across the application site.

The site extended behind No. 8 The Slade and was located within the settlement boundary of Witcham, close to the boundary of the Conservation Area. The majority of the site fronted The Slade and was in a predominantly residential area, with bungalows on either side and a mix of single and two storey properties opposite the site.

It was noted that the application had been called in to Committee by Councillor Lorna Dupré for the reasons as set out in paragraph 2.7 of the report.

A number of illustrations were displayed at the meeting, including a site location plan, aerial photograph, planning history, elevations, and various photographs of the site and neighbouring properties.

The main considerations in the determination of the application were:

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

The Planning Officer reminded members that the Council was unable to demonstrate a five year housing supply and therefore the policies within the Local Plan relating to the supply of housing should not be considered up-to-date. In light of this, applications for housing development should be considered in the context of the presumption in favour of sustainable development as set out in paragraph 11 of the National Planning Policy Framework (NPPF).

The principle of development at the site had already been established through the application approved on the 7<sup>th</sup> June 2018. Many of the related material planning considerations had been considered as part of this previous application and therefore this report would focus primarily on the changes to the approved plans and the alterations to the finish floor levels and the land levels that the dwellings would sit on.

The proposed alterations were not considered to cause substantial harm to visual amenity or to result in an unacceptable degree of visual harm to the character and appearance of the application site, surrounding area and street scene. The proposal therefore complied with Policies ENV1 and ENV2 of the Local Plan 2015 by remaining sympathetic to the character and appearance of the surrounding area.

It was considered that due to the minor changes in finished floor levels and land level changes to the approved dwellings and their distances from the Conservation Area boundary that there would be no adverse impact on the setting of the Conservation Area. The proposal was therefore compliant with 2015 Local Plan Policy ENV11.

Speaking next of residential amenity, the Planning Officer drew Members' attention to the site plan and said the proposed internal and external elevations were not changing as a result of the variation of the approved plans. Plots 1, 6 and 7 of the proposed development would remain modest 7.5m high dwellings with a traditional design, however the finished floor levels and land levels had increased by an average 50cm across the application site meaning that the proposed plots would be slightly higher.

The most notable impact in relation to neighbour amenity would be at ground floor due to the increase in land levels and especially the impact from Plot 6 to Number 8 The Slade and Plot 1 to Number 6 The Slade. It was considered that the impact by way of overbearing would not be significantly greater given the scale and heights of the dwelling houses already approved under application reference 17/00689/FUL in June 2018.

The proposed changes were not considered to result in any additional significant impact upon loss of light or overshadowing given the distances retained to Numbers 6 and 8 The Slade and the orientation of the proposed plots. Therefore matters of overshadowing, overbearing nature and loss of light would not result in a material impact due to the distances retained and the extent of the changes proposed.

The existing boundary fence serving Number 8 was approximately 1.8 metres in height including a trellis above to the rear boundary. Given that the

increases in finished floor levels and land levels might result in a degree of harm by way of overlooking and loss of privacy from the proposed east facing kitchen window to Plot 6, it was considered necessary to require an additional 2 metre fence on the common boundary between Plot 6 and Number 8 The Slade to reduce harm by way of overlooking. This was also considered to be required on the common boundary between Number 6 The Slade and Plot 1 to reduce harm by way of overlooking and loss of privacy. Subject to the inclusion of 2 metre high fences on the aforementioned boundaries, on balance it was considered that the impact on the neighbouring dwellings and amenity spaces of Number 6 and 8 The Slade were acceptable.

With regard to other matters, it was noted that a surface water drainage scheme was submitted as part of the discharge of condition 4 of the permission granted on 7<sup>th</sup> June 2018; this was discharged on 30<sup>th</sup> July 2019 after careful review by Environmental Health and the Lead Local Flood Authority.

The planning condition relating to contamination of the consent granted on 7<sup>th</sup> June 2018 had been considered by Environmental Health and was part discharged on 30<sup>th</sup> July 2019.

Matters relating to Highways, Ecology, and Archaeology had been discharged under the previous consent.

At this point the Chairman said that a detailed letter of objection had been submitted by Mr and Mrs Boness, residents of The Slade. The letter was emailed to all Members of the Planning Committee in advance of the meeting and paper copies were tabled for reference on the day.

At the invitation of the Chairman, Mr Mick Housden, a resident of The Slade, addressed the Committee and made the following points:

- Drawing 16-151SK1001 Rev C lacked detail because it had no measurements. Comparison of the proposed ridge heights could not be made to the neighbouring bungalows at 6 and 8 The Slade. From floor to ridge the dwellings would be significantly higher;
- The plan clearly showed how close the proposed houses were to the neighbouring bungalows. They would be overbearing and steal their light and have a detrimental impact;
- The increased land level would be significantly higher and slope down to adjoining properties, giving a potential for water run-off and flooding;
- Intercept drains were not shown on the plan and the additional surface water has not been adequately controlled;
- Top soil was to be applied and the proposed slope of the land level would compromise the recommended minimum level thus increasing the possibility of contamination to adjoining properties;

- He was unclear and concerned about the capacity of the foul water system. There should be sufficient measures in place to address the issue of flooding;
- He would like to see the proposed dwellings more in keeping with the street scene.

Councillor Jones asked about the issues relating to flooding and Mr Housden said that there were also problems with sewage. He and his neighbour were situated the lowest on The Slade and the attenuation chamber backed into their gardens.

At the invitation of the Chairman, Mr Andrew Fleet, agent, addressed the Committee and made the following comments:

- His clients were well respected builders;
- There were many pre-commencement conditions, some of them quite challenging. All of them had been discharged, except contamination and surface water had been subject to a stringent condition;
- The variation was almost identical to the previous application, but the floor levels had changed and this was needed for the surface water attenuation;
- The drainage scheme would be dealt with by a respected local firm of engineers;
- Concerns had been raised by residents and the Parish Council, but the residents of No. 8 The Slade were happy with the revised proposals;
- The only variation was in respect of floor levels. The Committee was not being asked to consider if the site was capable of development;
- There had been many comments about contamination. An in-depth examination would be conducted and the findings of the report would be fully implemented;
- The top soil had been tested and the results submitted to the Scientific Officer;
- His clients were very experienced in working with contaminated sites and he hoped that Members would be minded to grant the variation.

Councillor Jones wished to know why drainage had not been included in the original scheme. Mr Fleet replied that it would have been submitted with the original but it was very expensive and his clients were concerned that they would not get permission for 8 dwellings, so decided to deal with it by condition. Councillor Jones then asked if there were other options for the site regarding drainage and Mr Fleet said that there had been negotiations with the Environment Agency and the Council; the discharge rate was before

Members today and this was the only option as they did not want to discharge to the foul water system.

Councillor Trapp enquired about surface water drainage and Mr Fleet replied that the floor levels would be raised to make the surface water levels work on the site. The water should percolate through the ground.

At the invitation of the Chairman, Councillor Karl Mackender, Vice Chairman of Witcham Parish Council, addressed the Committee and made the following remarks:

- The scheme might only be for 8 houses, but this was a significant number for Witcham;
- The Parish Council and villagers had always accepted that the site would be developed, but residents needed to be protected;
- The condition regarding foul and surface water had now been discharged, but he felt it had been done without sufficient understanding. Surface water drained to the ditch at the back of the site and the Environment Agency had not been consulted;
- This application would raise levels by only a ½ metre, but in this location it would stand out and impact on the street scene. Plot 1 would be overbearing and cause loss of light;
- The Parish Council was asking for the application to be rejected. The ridge height should be reconsidered so as to be in keeping with the existing, and further consultation on foul and surface water was required with the Environment Agency regarding water going into the ditches.

In response to a question from Councillor Stubbs, Parish Councillor Mackender confirmed that with the help of Councillor Dupré, there had been a meeting with Anglian Water (AW) and the District Council. AW had done a desktop study and said there was capacity but they were not aware of the flooding in the gardens. He had real concerns that there had been no due diligence.

At the invitation of the Chairman, Councillor Lorna Dupré, Ward Member for Sutton, addressed the Committee and made the following comments:

- She had called in the application and was asking Members to refuse it;
- The application had become complex as it progressed and the material provided to the Parish Council made it difficult to make an informed decision;
- She reminded Members of the history of the application leading up to the application to vary Condition 1;

- The increase in land levels were totally out of keeping and would have an overdominant impact;
- The proposal would raise a greater risk of surface water run-off. At no time did the Environment Agency (EA) appear to have been involved, yet the Scientific Officer had recommended that they be consulted regarding drainage. There was nothing on file to suggest that EA had been consulted on the original application or that anyone had gone back to them on the issue of drainage;
- A number of conditions, including drainage, were discharged the day after she had called in the application to Committee;
- The Parish Council and residents were under a great deal of pressure, and she asked Members to think again and this was inappropriate development.

Councillor Downey asked the Planning Officer to clarify whether or not the Environment Agency had been consulted. She replied that they had been consulted but did not make any comments. Condition A was discharged in December 2018 and DIS B was fully discharged in July 2019.

Councillor Trapp asked about the internal height of the rooms but was advised that there were no internal changes proposed.

Councillor Wilson expressed concern regarding the concept of adding a layer of topsoil and he asked what part of the condition relating to contamination had yet to be discharged. Andrew Phillips, Planning Team Leader, advised that the developer needed a clean site, including topsoil. They would be putting in an impermeable membrane and hard standing and this was why they were working closely with consultees. They would have to come back to the Authority before occupation in order to fully discharge the condition.

Councillor Wilson continued, making reference to an application some years ago in Littleport involving contaminated land. The Council had been financially liable to address that problem and he wished to know who could guarantee that this land was not contaminated. Mr Phillips reiterated that the developer would decontaminate the land as agreed, before any occupation.

The Planning Manager interjected to say that a contamination condition was now attached to all planning applications for residential development and the Authority had dealt with sites that were far more contaminated than this one. The Scientific Officer went through everything and had to report anything that was above the required levels. Today's application was a variation of Condition 1 of the plans and the Committee was not in a position to refuse permission on contamination matters.

Councillor C Ambrose Smith reminded Members that the site to which Councillor Wilson had referred was an old gasworks and very different to the Kings of Witcham site.

Councillor Jones noted that Mr and Mrs Boness had raised contamination in their letter and he asked whether raising the levels would have an adverse effect on drainage. Mr Phillips responded, saying that the water would drain to a shared surface area and then into a ditch. The greenfield run-off rate would be improved because the water would go straight into the ground. It would be at a controlled rate, and should be cleaner with less water draining. The Lead Local Flood Authority had commented and they were happy, but the developer was keeping them informed.

Councillor C Ambrose Smith believe the scheme to be commendable and said she thought the Parish and District Council should leave the technical detail to the professionals. Councillor Stubbs concurred, adding that she was comforted by the developer saying that the residents at No. 8 were content and she considered Officers to have done a good job.

It was duly proposed by Councillor Stubbs and seconded by Councillor David Ambrose Smith that the Officer's recommendation for approval be supported.

The Chairman reminded Members that while they could have opinions, they had no authority to alter the details of an application and therefore had to determine what was before them. He believed it would be better to raise the houses to make them secure for the future.

Councillor Downey agreed that the site needed to be developed, but he did not think the scheme had been thought through enough.

Councillor Jones did not feel the scheme would have a significant impact on the approach to the village as there were other dwellings which were higher, but he did have some concerns regarding the overshadowing of Plot 6.

There being no further comments or questions, the Committee returned to the motion for approval. When put to the vote, it was declared carried, there being 6 votes for, 3 votes against and 1 abstention. Whereupon,

It was resolved:

That planning application reference 19/00125/VAR be APPROVED subject to the recommended conditions as set out in the Officer's report.

**39. 19/00590/OUT – SITE SOUTH WEST OF 6 LODE LANE, WICKEN**

Rachael Forbes, Planning Officer, presented a report (reference U83, previously circulated) which sought outline permission for a detached bungalow, garaging, parking, access and associated site works. Agreement was sought for access and scale only; appearance, landscaping and layout would be considered as part of a reserved matters application.

The site was located to the south west of Wicken, outside of, but adjacent to the established development envelope for the village. The application site comprised a small parcel of a much larger agricultural field, with Wicken Fen Nature Reserve located further along Lode Lane to the south. There were residential dwellings located directly to the north of the site and on the opposite side of Lode Lane to the east. A Public Right of Way ran adjacent to the northern boundary of the site.

It was noted that the application had been called in to Planning Committee by Councillor Ian Bovingdon as there had been no objections from the Parish Council, and the addition of the footpath was a welcome addition.

A number of illustrations were displayed at the meeting, including a site location map, aerial photograph, layout of the proposal, and photographs of the location and street scene.

The main considerations in the determination of the application were:

- Principle of Development;
- Visual Amenity;
- Residential Amenity;
- Ecology;
- Highway Safety and Parking;
- Public Right of Way;
- Historic Environment; and
- Flood Risk and Drainage.

Members were reminded that application reference 18/01287/OUT had been refused for two reasons. The first was that the extension of built form into the countryside would result in significant and demonstrable harm to the local rural landscape character and by virtue of the harm the proposal would not constitute sustainable development. The second reason for refusal was that insufficient information had been provided to ascertain whether there would be any ecological impacts as a result of the development due to the presence of a barn on site which was considered to have ecological potential.

The current application had amended the scale of the proposal, proposed a footpath to Wicken Fen and provided an Ecology Report to allow the ecological impacts of the development to be assessed.

With regard to the principle of development, 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 rural character of the appearance of the site provided a positive contribution to the wider rural surroundings, while also contributing to views over the open countryside and towards Wicken Fen Nature Reserve. The site, while adjacent to the development envelope, was located in a sensitive edge of village location, beyond an existing small row of dwellings on the west side of Lode Lane, where there was an immediate change to rural open countryside. It was considered that in this case the proposal would cause significant and demonstrable harm to the character and appearance of the area which could not be mitigated. The adverse impacts of the proposed development were considered to outweigh the economic and social benefits of the scheme and for this reason the proposal did not constitute sustainable development.

In terms of visual amenity, although the height of the proposal had been reduced and the width marginally reduced from the previous application, the depth had increased significantly. It was considered that a dwelling in this location would extend residential built form into the countryside in a way that would cause significant and demonstrable harm, increase the sense of suburbanisation and result in the loss of important open views of the countryside and Wicken Fen and would be contrary to policies ENV1 and ENV2.

The layout was not for consideration at this stage, however the indicative layout showed sufficient separation distances between the proposed dwelling and the closest neighbour. As appearance was not for consideration, overlooking impacts could not be considered. However, given the size of the plot, it was considered that a dwelling could be achieved in this location without resulting in a significant impact to residential amenity.

It was noted that the plot size exceeded the size set out in the Design Guide SPD and could provide 50sqm of private amenity space.

The site proposed an access from Lode Lane and visibility splays had been shown on the plan. There was sufficient room on site for the parking and turning of vehicles and parking spaces for two cars and a double garage had been indicated on the plan. The Local Highway Authority had raised no objection to the proposal but had confirmed that the proposed footpath would not be suitable for adoption by the Local Highway Authority.

A Public Right of Way (Public Footpath No. 18, Wicken) ran along the northern boundary of the application site. However, it was noted that the proposed development did not obstruct the Public Right of Way and the County Council Definitive Map Team had stated that they had no objection to the proposal.

Speaking next of ecology, the Planning Officer reminded Members that the site was in close proximity to Wicken Fen, which had the following designations: Ramsar Site; Special Area of Conservation; Site of Special Scientific Interest (SSSI) and National Nature Reserve.

An ecological report had been submitted for consideration. The Cambs Wildlife Trust had commented that they had reviewed the Preliminary Ecological Appraisal and were satisfied that the proposed development was unlikely to have significant negative impacts on protected species, habitats or direct ecological impacts on nearby protected sites. However, the Cambs Wildlife Trust had further commented that the proposal site was in close proximity to Wicken Fen, which is a key biodiversity and green infrastructure asset and planning proposals within the Wicken Fen Vision Area should be carefully considered in terms of whether they were appropriate and fitted with the long term aims of the area.

It was considered that it had been sufficiently demonstrated that the proposal would not result in impacts to protected species, habitats or impacts to nearby protected sites.

In connection with other matters, Members noted that the site is considered to have archaeological significance. Cambridgeshire County Council Archaeology Team had commented that they did not object to the proposal but had recommended a condition for archaeological investigation.

The site was in Flood Zone 1 and was therefore at the lowest risk of flooding.

The Planning Officer concluded by saying that the site was considered to be an unsustainable location that did not meet all of the three dimensions of sustainable development. The proposal would result in significant and demonstrable harm to the character and appearance of the area by extending residential built form into the countryside, in a sensitive edge of village location, which would increase the sense of suburbanisation and result in the loss of important open views of the countryside and towards Wicken Fen. The application was therefore recommended for refusal.

The Chairman informed Members that Mr David Werner, a resident of Lode Lane, was unable to attend the meeting but had requested that a statement of objection be read out in his absence. With the permission of the Chairman the Democratic Services Officer read out the following:

*“This application is a resubmission of one refused by ECDC (ref. 18/01287/OUT – Case Officer Richard Fitzjohn) on 9<sup>th</sup> November 2018. The anomalous, but only temporary, absence of an ECDC Local Plan has provided a pretext for repeating the proposal.*

*The Council’s last refusal considered the proposal as ‘causing significant and demonstrable harm to the ... landscape ... of the area’. Consequently, it was contrary to several policies of ECDC’s Local plan, the submitted Local plan and central government advice in the NPPF (2018).*

*Given the above, the proposed development did not therefore constitute a sustainable development – irrespective of the absence of a complete land supply demonstration by the Council.*

*The 3-fold dimensions of sustainability, as defined by the NPPF are not met; the economic and the social roles are negligible whilst the environmental negativity is overwhelming. The proposal fails to meet all three of the NPPF development guidelines.*

*The application remains repugnant to ENV7 and LP30, with the renewed submission still lacking an ecological assessment. In the circumstances the applicant cannot enjoy the protection of an 'incidental result defence'. The site is frequented by barn owls, slow worms and grass snakes and supports over 10,000 rose blooms that attract innumerable insects in the summer and sustain overwintering species too. The general setting is of unquestioned landscape importance and is internationally recognised and protected for its ecological significance.*

*This document contains a number of inaccuracies thereby diminishing the adverse impact of the project; for example, overstating the distance of bodies of water, vital to newts and frogs, from the site. Scant attention is given to the floral richness at and surrounding the site nor are the referenced to nocturnal wildlife reliable.*

*Although not directly and materially relevant to this specific application, its success could easily initiate an escalation of further building applications on this currently unspoilt stretch of countryside. Please note that my neighbour, Mrs Elaine Boyd, has given me her third party consent in support of this objection.*

*If built, will the footpath be a permissive right of way or designated as a permanent right of way? Will the applicant be prepared to construct the path to the required standard prior to the main project?*

*From the cursory examination I have been able to make of the Highways assessment, their observations suggest necessary structural changes that would further aggravate the aesthetic, traffic concerns and public footpath proximity issues which have been raised previously."*

At the invitation of the Chairman, Mr Andrew Fleet, agent, addressed the Committee and made the following points:

- His clients had always lived locally. They now lived in Fordham but were involved in Wicken and had always intended to move back there;
- The site was on the north west side of Lode Lane and was fully sustainable, being within walking distance of the village;
- The family owned the arable field and there was already built form on the site;
- The Parish Council had approached the family for land for a footway five years ago and today's application proposed a safe pedestrian access which would improve the safety of visitors to Wicken Fen;

- There had been discussions with the Parish Council regarding the adoption and maintenance of the footway;
- The site was next to the development envelope and the proposal would remove the dilapidated barn;
- There were concerns about the further urbanisation of the countryside, but the garage could be positioned on the north east side of the plot and with the demolition of the barn, this would open up the views;
- The proposal was for a single dwelling and there was already built form on the site;
- The application should be judged on its own merits. The Council could not demonstrate a 5 year supply of housing land, this was not a commercial proposal and it was adjacent to the village envelope.

In response to a question from Councillor Trapp, Mr Fleet indicated how far the footpath would extend to the north and he informed Councillor D Ambrose Smith that if the building was turned to No. 6's boundary, it would open up the views.

Councillor C Ambrose Smith said she took on board the point about impinging on Wicken Fen. However, a new footpath would be a tremendous gain, and given that the Parish Council supported the proposal, she questioned what harm would be caused.

Councillor Wilson was keen to support the views of the Parish Council. He had some concerns regarding the pathway, but thought it would be a benefit if it was on the other side of the ditch. He reminded Members that this was only an outline application. Mr Phillips confirmed that the footpath would be on the field side of the ditch.

The Chairman said that Wicken Fen was unique and this was a particularly special area. He considered the reasons for refusal to be totally valid and asked the Committee to think about the impact of the scheme. If there was an extension, the area would be built on and visual impact should be added as a reason for refusal.

Councillor Trapp agreed that it would be a real pity if the site was developed any further. Councillor Downey said he agreed with the comments made by Councillor C Ambrose Smith and felt that it was a bit unfair to treat Wicken Fen as being completely in the open.

Councillor Stubbs declared her support for the Officer's recommendation for refusal. She challenged the use of the term 'reasonable built form', saying that in her opinion 'significant and demonstrable harm' was spot on.

It was proposed by the Chairman and seconded by Councillor Stubbs that the Officer's recommendation for refusal be supported.

When put to the vote, the motion was declared carried, there being 6 votes for, 3 votes against and 1 abstention.

It was resolved:

That planning application reference 19/00590/OUT be REFUSED for the reasons given in the Officer's report.

**40. 19/00978/FUL – 70 WEST STREET, ISLEHAM, CB7 5RA**

Emma Barral, Planning Officer, presented a report (reference U84, previously circulated) which sought planning permission for two storey and single storey rear extensions along with demolition of the existing single garage and erection of a double carport.

Members were asked to note that the applicant had reduced the scale of the proposed garage to be 4.1 metres in height in amended plans received on the 30<sup>th</sup> September 2019. The scale of the proposed garage was acceptable, being the scale originally agreed in a previous application and therefore the second reason for refusal in the Committee report was no longer required.

The site was located to the north of West Street and to the east of Hall Barn Road and it was accessed via a private road connected to West Street. It was within the development envelope for Isleham, but the density of the built form within the surrounding vicinity of the site was very low. There was a public footpath which ran through the application site, adjacent to the northern boundary, and Grade II listed buildings approximately 30 – 40 metres to the north within the grounds of Hall Farm.

It was noted that the application was called in to Planning Committee by Councillor J Schumann for the reasons as set out in paragraph 2.4 of the report.

A number of illustrations were displayed at the meeting, including a site location map, aerial photograph highlighting the right of way and listed buildings, revised carport elevations and dwelling elevations.

The main considerations in the determination of the application were:

- Residential Amenity;
- Visual Amenity;
- Highway Safety; and
- Setting of Listed Buildings.

The Planning Officer stated that the proposed two storey element would project 5.5 metres with a width of 6.8 metres and a total height of 6.6 metres. The proposed single storey element would project 5.5 metres and 4.6 metres to the rear of the dwelling house to create a staggered projection with a total width of 9.5 metres.

In connection with the planning history of the application, Members noted that an application (reference 17/00607/FUL) was granted permission on 14<sup>th</sup> June 2017 by Officers for a two storey extension that projected 3.6 metres at two storey and 4.8 metres at ground floor. This was reduced through the course of this previous application due to Officers' concerns with the original depth of projection proposed at 5.5 metres.

In terms of residential amenity, it was considered that there was sufficient distance from any neighbouring properties to prevent significantly harmful impacts on amenity and the proposed extension and carport would not create any significant detrimental impacts.

Members noted that the Design Guide SPD stated that when a dwelling had been extended the original building should still be clearly legible and pre-dominate and any extension should also be subservient to the existing dwelling.

Given the depth of the projection, the proposed two storey rear extension was considered to result in development that was disproportionate to the scale of the existing dwelling house. Together with a ridge height similar to the existing and the excessive depth of projection, the proposed extension would be overly-prominent to the existing dwelling resulting in a bulky and dominant extension that would be visually detrimental to the character and appearance of the existing dwelling. It would be highly visible within the street scene, from the Public Right of Way and from the public highway, contrary to Policies ENV1 and ENV2 of the Local Plan 2015 and the Design Guide SPD.

With regard to the historic environment, it was considered that by virtue of its distance from any neighbouring properties, the proposed extension and carport would not create any significant detrimental impacts upon the character, appearance or setting of the listed buildings. The level of harm to the setting of listed buildings was considered to be extremely minimal with no harm caused.

It was noted that there was sufficient space on the site for parking and manoeuvring and that the Local Highways Authority had raised no objections to the proposal.

The Planning Officer concluded her presentation by saying that the proposed development would cause significant and demonstrable harm to the visual amenity of the existing building and character of the surrounding area. It would fail to visually protect or enhance the street scene by virtue of the depth of projection which was considered to be disproportionate to the scale of the original dwelling.

This visual dominance was considered to result in harm to the character and appearance of the dwelling and to that of the surrounding area and the application was therefore recommended for refusal.

At the invitation of the Chairman, Mr Jamie Palmer, agent, addressed the Committee and made the following remarks:

- This was a variation of the previous application and the proportions on the ground floor had been varied. The footprint was only 1 square metre larger;
- The land was held in the family. They did not wish to jeopardise the setting and history of the location, but they needed more room;
- It was said that the proposal would cause harm, but he questioned whether this would be the case. The single storey element would be reduced and there were now 2 bungalows on the green strip which masked the view from Hall Barn Road. The main issue is the first floor and this is not visible within the immediate street scene;
- The extensive curtilage could take the development, the site was isolated and materials would match the existing;
- There had been no objections from the consultees or neighbour regarding the extension;
- The scheme would accommodate the family.

Councillor C Ambrose Smith asked if the size of the existing dwelling could be increased under Permitted Development Rights and the Planning Officer replied that there might be options to be explored. Councillor C Ambrose Smith continued, saying that if the family wanted a larger house, then perhaps they should have been allowed to build it in the first place, as there was a larger property on the other side of the road. The Planning Manager interjected to say that this would be for Members to decide.

Councillor Trapp said he could not see much of a significant difference and the Planning Officer responded, saying that the key change was the extension at two storeys.

In response to a comment from Councillor D Ambrose Smith that there was only 1 square metre difference on the ground floor footprint, the Planning Manager reminded Members that the second storey was an addition.

Councillor Wilson believed that nobody was really objecting to the scheme. Only the Officer felt that the change would be to the detriment of the existing house. He thought that it would not do any harm because it was not overlooking anyone, would not impact the listed building or cause any traffic problems; he could not see why the application should not be granted permission.

Councillor Trapp disagreed, saying he believed it would be visually intrusive and Councillor D Ambrose Smith expressed concern about how it would sit in the location.

Councillor Jones wished to know if the proposal would cause significant harm to the area if it breached the Design Guide SPD. The Planning Manager replied that this would be for Members to decide and reiterated that the issue was visual impact, not residential amenity.

It was proposed by Councillor C Ambrose Smith and seconded by Councillor Wilson that the Officer's recommendation for refusal be rejected, and the application be granted approval.

When put to the vote, the motion was declared carried, there being 8 votes for and 2 votes against. Whereupon,

It was resolved:

That planning application reference 19/00978/FUL be APPROVED for the following reason:

Members believe that the development does not cause significant and demonstrable harm to the visual amenity of the surrounding area.

It was further resolved:

That the Planning Manager be given delegated authority to impose suitable conditions.

*At this point there was a comfort break between 4:08pm and 4:14pm.*

#### **41. STATEMENT ON THE SEEKING OF AFFORDABLE HOUSING**

Rebecca Saunt, Planning Manager, presented a report (reference U85, previously circulated) on behalf of Richard Kay, Strategic Planning Manager.

Members were asked to note the slightly conflicting national and local policy for the seeking of affordable housing from development schemes, and to endorse a Statement clarifying the likely approach decision takers on planning applications would take henceforth.

The Planning Manager said that the report and Statement very much spoke for themselves. The Statement aimed to explain what the conflict was, and then went on to set out what was likely to be a reasonable position for the decision maker to take for the vast majority of planning applications that would be considered in East Cambridgeshire.

She reiterated that the Statement was not formal planning policy. It did not replace any policy in the Local Plan, as to do so would be unlawful. It also did not alter the fact that the decision taker must, lawfully, still use the starting point for considering proposals, the relevant policies as set out in the Local Plan (and Neighbourhood Plan, if one existed in that area).

The National Planning Policy Framework had been updated in 2019 and Members were therefore being asked to endorse Appendix 1 to the report which would lower the threshold for affordable housing in respect of major developments to 10 or more dwellings. It was noted that this would cover any site having an area of 1 hectare or more.

The Statement, if endorsed, would not compel the decision taker to apply it in all instances, but rather it was intended to be used as a guide. If however, it was not endorsed then decision takers would be free to consider what weight to apply to national and local policy as they saw fit.

Councillor Wilson asked what would happen if a major development included an area of land, but only a part of it was the site. The Planning Manager said that this would be captured by the Statement. If the Authority thought that the land was being developed piecemeal, Officers would go back and raise this with the developers.

In proposing that the Statement be endorsed, Councillor Trapp said that he very much supported the recommendation as it could help to clear up loopholes. The motion was seconded by Councillor D Ambrose Smith, and when put to the vote,

It was resolved unanimously:

- I. To endorse the '*Statement on the Seeking of Affordable Housing Developer Contributions*';
- II. To note that the Statement is not formal policy of the Council, and that it does not supersede any relevant policy in the Local Plan 2015 or in any duly made Neighbourhood Plan, but that instead its purpose is to clarify the likely weight planning decision takers will give to local and national policy on affordable housing;
- III. To note that by endorsing the attached Statement, it does not compel any decision taker, including this Planning Committee, to follow the principles set out in the Statement in all instances, and that for any particular planning application the decision taker is able to determine the relevant and reasonable weight to be applied to local and national policy as it sees fit (with such weight potentially different to that as suggested by the Statement).

#### **42. PLANNING PERFORMANCE REPORT – AUGUST 2019**

The Planning Manager presented a report (reference U86, previously circulated) which summarised the planning performance figures for August 2019.

It was noted that the Department had received a total of 196 applications during August 2019, which was an 18% increase on August 2018 (163) and an 8% decrease from July 2019 (210).

Members were asked to note that the figure for the DIS/NMA target had risen, with 72% having been determined on time.

The Planning Manager said that 2 valid appeals had been received, and 8 had been determined, with 2 having been dismissed and 1 allowed.

The Authority had dealt with its first High Hedges Appeal at St Johns Manor, St Johns Road, Ely. The Remedial Notice was appealed but the owner was required to cut the hedging down to the height specified by the Planning Inspector.

The Chairman praised the Planning Team for being such a hard working department; Officers' behaviour was always commendable and he felt that the Planning Manager had created a positive, can-do atmosphere.

Whereupon,

It was resolved:

That the Planning Performance Report for August 2019 be noted.

**43. EXCLUSION OF THE PRESS AND PUBLIC**

It was resolved:

That the press and public be excluded during the consideration of the remaining item no. 11 because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Categories 2 & 6 of Part I Schedule 12A to the Local Government Act 1972 (as amended)."

**44. NON COMPLIANCE WITH A PLANNING ENFORCEMENT NOTICE**

The Planning Manager presented an exempt report (reference U87, previously circulated) which sought Member agreement for a specific course of action in relation to non-compliance with a Planning Enforcement Notice.

The report set out the background to the case, the options available to Members, the financial implications, and issues regarding equality and human rights. Following discussion, and having asked questions of the Planning Manager and Enforcement Team Leader,

It was resolved:

That the Planning Service be authorised to take the action recommended in the Officer's report.

The meeting closed at 4.56pm.

