



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

AGENDA ITEM NO 3

Minutes of a meeting of the Planning Committee
held in the Council Chamber, The Grange,
Nutholt Lane, Ely on Wednesday, 7th November 2018
at 2.00pm

P R E S E N T

Councillor Joshua Schumann (Chairman)
Councillor Christine Ambrose Smith
Councillor Paul Cox
Councillor Lavinia Edwards
Councillor Mark Goldsack
Councillor Bill Hunt
Councillor Mike Rouse
Councillor Stuart Smith

OFFICERS

Maggie Camp – Legal Services Manager
Richard Fitzjohn – Senior Planning Officer
Toni Hylton – Planning Officer
Anne James – Planning Consultant
Catherine Looper – Planning Officer
Janis Murfet – Democratic Services Officer
Andrew Phillips – Planning Team Leader
Rebecca Saunt – Planning Manager
Dan Smith – Planning Consultant

ALSO IN ATTENDANCE

Councillor Peter Cresswell (Agenda Item No. 6)
Councillor Lorna Dupré (Agenda Item No 11)
Councillor Lis Every
Councillor Julia Huffer (Agenda Item No 5)
Approximately 16 members of the public

77. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Councillors Sue Austen and Derrick Beckett.

There were no substitutions.

78. DECLARATIONS OF INTEREST

There were no declarations of interest.

79. MINUTES

It was resolved:

That the Minutes of the meetings of the Planning Committee held on 24th September and 3rd October 2018 be confirmed as a correct record and signed by the Chairman.

80. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- On behalf of Members, the Chairman welcomed Dan Smith, Planning Consultant, to his first meeting of the Planning Committee;
- In a change to the published order of business, Agenda Item No. 6 would be taken first, in order to allow Councillor Cresswell to address the Committee before leaving to fulfil a civic engagement;
- A new Planning Officer, Emma Barrel, would be taking up post on Monday, 12th November.

81. 18/00681/FUL – LAND REAR OF 92 DUCHESS DRIVE, NEWMARKET

Richard Fitzjohn, Senior Planning Officer, presented a report (reference T122, previously circulated) which sought permission for the erection of a detached dwelling and associated vehicular access. The application site would be accessed via a Public Right of Way (Footpath No.11 Cheveley) which also formed the approved access for 3 dwellings (yet to be constructed) approved by planning permission 15/01102/OUT.

Amended plans had been received during the course of the application involving re-siting of the proposed dwelling, in addition to amendments to the required Public Right of Way access alteration details so that they matched the details approved by planning permission 15/01102/OUT.

The application site comprised grassland to the rear of 92 Duchess Drive, with a Public Right of Way (Footpath 11 Cheveley) located adjacent to the south-east boundary of the site. There were some protected (TPO) trees located along the north-west edge of the Public Right of Way towards the end of Meadow Lane; the Public Right of Way connected Meadow Lane to Duchess Drive. There were existing dwellings located to the north-east of the site, a dwelling (yet to be constructed) had been approved by planning permission 16/00304/FUL within the rear garden of 92 Duchess Drive to the south-west of the site and 3 dwellings (yet to be constructed) had been approved by planning permission 15/01102/OUT to the south-east of the

site.

It was noted that the application had been called in to Planning Committee by Councillor Peter Cresswell as he had serious concerns regarding the application, centring on the access to the site via Meadow Lane, which was a public footpath.

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

The main considerations in the determination of the application were:

- Principle of development;
- Character and appearance of the area;
- Residential amenity; and
- Highway/pedestrian safety and the Public Right of Way.

The Senior Planning Officer reminded Members that the Council was currently unable to demonstrate an adequate 5 year supply of land for housing and therefore housing applications should be assessed in terms of the presumption in favour of sustainable development, as set out in the National Planning Policy Framework (NPPF). This meant that housing proposals should be approved unless any adverse effects significantly and demonstrably outweighed the benefits of the scheme.

In terms of the principle of development, the proposal was in a sustainable location within the development framework.

With regard to the character and appearance of the proposal, it was noted that the application site was enclosed by high level fencing and did not make a positive contribution to visual amenity or views within the area. The proposed dwelling would be of a simple and traditional design and its scale would be in keeping with the surroundings. The materials had not yet been agreed and would be secured by condition at a later date. A Tree Survey and Tree Protection Plan had been submitted, and the Council's Trees Officer had confirmed that the removal of the indicated Hawthorn tree was acceptable. However, it was considered that a separate Tree Protection Plan should be agreed with the Local Planning Authority (LPA) to ensure protection during construction of the ancient hedgerow adjacent to the Public Right of Way.

An amended plan had been submitted which moved the proposed dwelling further away from the neighbouring boundary with No. 39 Meadow Lane. It would now be located almost 7 metres away from this neighbouring boundary, providing a sufficient separation gap and layout to prevent it from being overbearing or causing a significant loss of light or outlook to this neighbouring property.

The Committee was reminded that the site would be accessed via the Public Right of Way (PRoW) from Meadow Lane and while it would directly

bring additional traffic, planning permission had previously been granted for 3 dwellings (yet to be constructed) on the land opposite under application reference 15/01102/OUT. The provision of elephant gates had already been secured through the S106 Agreement to that approval, but a draft S106 had been submitted with the current application to ensure that one set of gates were installed along the PRow, depending on which development commenced first. Although additional traffic weighed against the application, it was considered that there would be no significant harm to the amenity or safety of the PRow from 1 additional dwelling. There had been no objections from County Highways or Public Rights of Way departments. Members were informed that the applicant owned both the access and the PRow.

On balance, it was considered that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits, and the application was therefore recommended for approval.

At the invitation of the Chairman, Councillor Peter Cresswell, a Ward Member for Cheveley, addressed the Committee and read from the following prepared statement:

'By way of introduction, I would like the Committee to be aware that I was heavily involved, as ward member, in the planning process when Duchess Park, was developed, albeit over 10 years ago. As a result understandably I have taken a close interest in all additional applications on that development.

In dealing with the application before you, reference must be made to the outline permission granted for 3 detached dwellings, on the site opposite to the one you will be determining this afternoon.

From the outset I was vehemently against concreting over the public footpath leading to the site. I made my views known to the Senior Planning Officer on a number of occasions. There were various amendments to this application, resulting in delays. You will note from the report that the original application was lodged in 2015, but not approved until July 2017. Without having the courtesy of consulting me, this application was determined under delegated powers. Had I known that was to be the case, I would certainly have called it in.

At the time I was assured by the Senior Planning Officer that no other applications would be acceptable on this development. Whether that was to pacify me, I will leave you to decide. Yet this afternoon you have another one before you recommended for approval which highlights in my eyes the inconsistency of the Planning Team. You will have read through the responses from consultees and the lengthy list of conditions that would apply. Surely they highlight that this application should be refused.

This morning you will have seen for yourselves how narrow the public footpath is, leading to the site. This footpath between Centre Drive and Duchess Drive, has been used by local residents for generations. It is far too narrow for construction vehicles to gain access to the site. I submit that to suggest that a public footpath should be widened for the benefit of housing development of this nature, is totally unacceptable. I urge the Committee to

refuse this application, or defer a decision, in order to undertake an investigation as to why outline planning permission was granted to erect 3 dwellings on the opposite site and concrete over the public footpath, in contravention to the strong objections made at the time.'

Councillor Goldsack asked Councillor Cresswell if he had not thought of calling in the other application. Councillor Cresswell replied that it could be said that he had missed a chance, but he had not been consulted and told of the situation; if he had, he would have called it in.

Councillor Hunt wished to know if the County Council owned Footpath No. 11. The Senior Planning Officer said that he had spoken to the applicant; they owned all the land within the application site, which was the majority of the PRoW and the Lane. He could not consider land ownership issues, he had to go with what he had been told and the merits of the application.

The Chairman reiterated that land ownership was not a material planning consideration and could not be considered. Councillor Hunt responded by saying that he felt it was a matter to be recorded in the Minutes. If the application was granted permission, the County Council should be made aware because if it was their property, there could be some uplift.

The Planning Manager stated that the Senior Planning Officer had telephoned the applicant after the site visit to clarify the situation. The applicant stated that he owned the land and had signed Certificate A.

Councillor Goldsack felt it was a perfectly good application as there was an extant permission for 3 dwellings. However, Councillor Cresswell had raised some good points and he wondered whether determination should be deferred to allow for further investigation of the planning permission for the 3 dwellings located opposite (reference 15/01102/OUT).

The Chairman questioned the basis for further discussion of the planning permission 15/01102/OUT and the Planning Manager added that it could be very difficult in the light of previous discussions and planning permission already having been approved for it. Councillor Cresswell could have called in the previous application, but the relevant S106 Agreement had been signed and she could see no reason to revoke the decision for those 3 dwellings.

Councillor Ambrose Smith made the point that the previous application would have appeared on the Weekly List, and it was unfortunate if it had been missed. Councillor Cox thought that the approval for the 3 dwellings gave the go ahead for this application and he said he would support the Officer's recommendation.

The Chairman commented that he had noticed how low density Meadow Lane was, and he found it disappointing that the extra space was being used. However, the precedent had been set and the Committee was looking at 1 dwelling.

It was proposed by Councillor Cox and seconded by Councillor Schumann, that the Officer's recommendation for approval be supported. When put to the vote the motion was carried, there being 6 votes for and 2 votes against.

It was resolved:

That planning application reference 18/00681/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

82. 17/02031/FUM – LAND REAR OF 12 TO 58 STATION ROAD, KENNETT

Anne James, Planning Consultant, presented a report (reference T121, previously circulated) which sought consent for the re-development of the Hanson Depot site and the erection of 76 dwellings, 40% of which would be for affordable housing, with associated access, open space and surface water drainage systems.

The site comprised an irregular shaped area of land located to the south of Kennett village. To the west of the site was a disused commercial depot with land to the east comprising mature woods and mixed open fields. The River Kennett abutted the eastern boundary with the A14 running along the northern extent. To the south of the site lay Kentford and the boundary with Suffolk.

It was noted that the application was being considered by the Planning Committee in view of the number of dwellings proposed which exceeded the 50 dwelling threshold as set out in the Council's Constitution.

A number of illustrations were displayed at the meeting. They included photographs relating to visual and residential amenity, the design and layout of the site, a photograph and plan of the access, and the application site in relation to the flood zones.

The main considerations in the determination of the application were:

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

Members were reminded that the Council could not currently demonstrate a 5 year supply of land for housing, and therefore all planning applications for housing were to be considered on the basis of a presumption in favour of sustainable development.

The site lay outside of the development envelope for Kennett and it had not been allocated in either the Local Plan 2015 or the Submitted Local Plan 2018. No justification had been received as to whether the existing use was still viable to continue in employment use and this factor weighed negatively in the planning balance.

Whilst the layout of the new housing was innovative, it was dictated by the curves of the road design and had no regard to its setting and no clear hierarchy of spaces. It was unlikely to naturally assimilate between the residential and rural landscaping areas and failed to take reference from the prevailing linear pattern of development in the area. It was considered that the scheme would extend the urban edge of the village and not be policy compliant.

Speaking of residential amenity, the Planning Consultant said that the proposal fell short of some of the spatial requirements set out in the East Cambridgeshire Design Guide. As a result, future occupiers of those properties detailed in her report would not be provided with a satisfactory living environment in terms of privacy, outlook, sunlight/daylight penetration and visual intrusion. There was also a concern that the new dwellings located adjacent to the A14 to the north of the site would be subjected to noise and poor air quality. On balance, it was considered that the scheme would result in an overdevelopment of the site resulting in a sub-standard, cramped and contrived environment.

It was noted that the application did not contain sufficient information to allow the Transport Assessment Team to adequately assess the impact of the proposed development on the surrounding highway network. No visibility splay information had been provided and the splays had not been correctly indicated on the drawings. No tracking drawings indicating HGV's or service vehicles entering and leaving the junction had been provided. Furthermore, the junction arrangement did not appear to be wide enough to accommodate the proposed intensification and type of use.

The internal road layout would not be to an adoptable standard, and as such the Local Highways Authority would not offer to adopt any part of the development. It was also noted that although there would be 2.3 parking spaces per dwelling, there would be no provision for visitor parking and this would likely result in additional on-street parking.

The application site was located with Flood Zones 2 and 3 and was prone to flooding. The Environment Agency was maintaining its objection to the scheme on the basis that the Flood Risk Assessment did not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. In particular it failed to demonstrate that the scheme would not increase flood risk elsewhere.

The Local Lead Flood Authority had also objected citing that if fluvial flooding occurred, the attenuation basin would likely be inundated and the surface water drainage on site would not function. It was therefore considered that the scheme did not satisfactorily deal with either fluvial or surface water drainage and would not constitute sustainable development.

With regard to other matters, the application was not supported by any justification for the loss of the employment site and therefore it was not known whether the site was still viable for continued use in promoting economic growth.

The applicant had not been required to submit additional ecology and biodiversity reports as the application was recommended for refusal.

It was noted that an area of public open space was proposed within the north-western area of the site, but it was an isolated corner which was not overlooked by housing. It was not clear what form the area would take or how it would be managed and maintained in the future. Because the internal road layout had not been designed to an adoptable standard, the Council's Parks department might not adopt the area. The applicants had not indicated who would be responsible for the public open space or whether the Parish Council had been contacted, and so it was uncertain how the area would be delivered.

The Planning Consultant concluded by drawing Members' attention to the slide which set out the planning balance; it showed that the adverse impacts outweighed the benefits and the application was therefore recommended for refusal.

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

- He had not been involved in the formulation of the application;
- The Council could not demonstrate a 5 year supply of land for housing, therefore current policies were considered to be out of date and the tilted balance applied;
- The principle of development was potentially acceptable and a full survey had been undertaken with the Community Land Trust (CLT);
- Part of the site had been developed. A former depot had been there and there was an historic right for it to be used for employment;
- Removing HGV traffic had to be weighed in the balance;
- In the last few days he had spoken to the applicant's advisors and all the reasons for refusal could be overcome with ongoing discussions or planning conditions;
- Highways had said that the scheme could be made acceptable;
- The CLT's aspirations to the north would be questionable if this was no good. This proposal would help the needs of both the District and Parish Councils by offering 40% affordable housing;
- There would be a cash flow benefit to the developer but they would take a hit on the affordable housing;

- He could understand the Environment Agency's and Highway's points of view regarding insufficient information and commended deferral of the application to allow technical issues to be resolved.

At the invitation of the Chairman, Councillor Julia Huffer, a Ward Member for Fordham Villages, addressed the Committee with a prepared statement on behalf of Kennett Parish Council:

'Kennett Parish Council recently objected to the proposed development on the Tilbrook land opposite Kennett School, as well as the proposed development on Longstones Stud. We stated as reasons their unsustainability as demonstrated by the pressure on infrastructure and in particular the over use of the B1085 (currently 4,500 vehicles per 24 hour period – Kennett speed camera figures). The proposed 500 houses on Tilbrooks is a disproportionate increase in the number of houses for a village of Kennett's size (165 dwellings).

There has been (and continues to be) a very large increase in the size of neighbouring villages, which will lead to an estimated increase of 1,000 uses per day of the local roads from all of these proposed developments. A further development of 76 dwellings on the newly proposed site would add another estimated 300 car uses per day on the B1085 and additional infrastructure pressure over and above those of concern above.

Kennett Village CLT has recently voted in favour of the development of 500 houses on the Tilbrook land, this was on the acceptance that some increase in housing in the area is needed and importantly on the understanding that this would be the only major development in the village during the course of the East Cambridgeshire Local Plan, taking us up to the year 2036. To accept this additional development would go against all the understanding that has been built up over the past 2 years. It would also leave ECDC open to appeal from all other landowners in Kennett who have had their proposed developments turned down.

The majority of the proposed development is outside the Kennett Village Development Area, as such it is totally unacceptable. To make matters worse it is a proposal for 'back land development' which has never been accepted in Kennett in the past. All Kennett organisations (Parish Council, CLT and Kennett Action Group) are canvassing for a reduction in the number of houses planned in the Tilbrook development, to add a further development on top would go against nearly every Kennett residents' wishes and serve to exacerbate the current situation.

This proposed development, along with the proposed Tilbrook development together would (if accepted) increase the size of the village by nearly 350%. This is not acceptable. No other town or village in England would be expected to take this increase in housing over such a short period of time.

It borders the River Kennett's flood plain so closely that a severe flood would affect the development area. It does not offer any significant benefits to the village or villagers e.g. village shop, school, parking for station, area for light industry (jobs) or other amenities; this has already been offered by the proposed Tilbrook development.

This site has proven Mineral Rights, which must be safeguarded.

Councillors are also concerned about the vehicular access to the proposed development site and the provision of adequate resident's vehicle parking within the site. In particular, whilst allowing site access for service and emergency vehicles and maintaining the safety of pedestrians and vehicle users on Station Road.

Overall, Kennett Parish Council object to and oppose this development on the grounds of its sustainability as outlined above.'

In response to a question from Councillor Hunt, the Planning Consultant stated that the drawings showed there would be tandem parking on the development. The Chairman added that the detailed plan indicated that there could be as much as 30-40% tandem parking. Councillor Hunt wanted to know if the roads would be built to adoptable standard and he was advised that they would not. The Planning Consultant continued, saying that this application had been received in December 2017. Officers had been in dialogue since then to obtain more information but none had been received to overcome the issues. The line had now been drawn.

Councillor Smith asked if there would be street lighting if the roads were not adopted; the Planning Consultant replied that she was unable to answer, as no information had been provided.

The Chairman noted that deferral had been suggested. If the issues could not be overcome, then he saw little point in deferring determination of the application, but if it was just technical issues, then deferral was a possibility.

Councillor Hunt said he echoed Councillor Huffer's comments and he duly proposed that the Officer's recommendation for refusal be supported. The application showed tandem parking and as this was covered in the Submitted Local Plan, it should carry some weight. The Planning Manager reminded Members that tandem parking could only be given limited weight but agreed that a reference to it could be included in reason for refusal No. 6.

The Chairman remarked that he found it disappointing that this major development was located so close to a major road, and the Planning Inspectorate was of the same opinion. People should strive for better developments because they were homes for people, and he would keep emphasising the point.

Councillor Cox believed that the proposed bunding would be hopelessly inadequate.

Councillor Goldsack seconded the motion for refusal, and when put to the vote,

It was resolved unanimously:

That planning application reference 17/02031/FUM be REFUSED for the reasons given in the Officer's report, with Reason 6 being amended to include a reference to tandem parking.

83. 18/00820/OUM – LAND PARCEL SOUTH OF A142 COMMON ROAD, WITCHFORD

Andrew Phillips, Planning Team Leader, presented a report (reference T123, previously circulated) which sought outline consent with details of access to be agreed for the erection of up to 116 dwellings alongside associated landscape, public open space and infrastructure works. Appearance, landscaping, layout and scale would need to be agreed at a reserved matters stage.

To the north of the site was the A142, with Common Road defining the western boundary and Manor Road defining the southern and eastern boundaries. There were residential properties and agricultural buildings in the southwest corner of the site and Witchford Village College was located to the east of the site on the opposite side of the road. There was a copse located to the northwest and adjacent to the site, and allotments were located to the northeast of the site.

The application had been brought to Planning Committee, due to the size of the proposal and the Council's scheme of delegation.

A number of illustrations were displayed at the meeting. They included a map, an aerial image, an indicative layout, and indicative bund/noise barrier details.

The main considerations in the determination of the application were:

- Principle of development;
- Residential Amenity;
- Visual Impact;
- Highways; and
- Contributions.

The Planning Team Leader reiterated that the Council could not currently demonstrate a 5 year supply of land for housing, and therefore all planning applications for housing were to be considered on the basis of a presumption in favour of sustainable development unless there was significant and demonstrable harm that outweighed the benefits. The application needed to be considered on the basis of a tilted balance in accordance with paragraph 11 of the National Planning Policy Framework.

Members noted that the site had been allocated under Policy Witchford 5 in the Proposed Local Plan 2018 and the application for 116 dwellings was therefore considered to be acceptable in principle.

In terms of residential amenity, the main source of noise pollution on the site came from traffic using the A142 and there was concern regarding people being able to sleep during night time hours and relaxing in their

homes/gardens outside of typical work hours. Paragraph 7.12 of the Officer's report set out the Planning Inspector's comments on the nearby scheme (16/01019/RMM) at Land North of Field End, Witchford.

The developer was proposing a noise barrier along the northern boundary (set adjacent to the A142) and along the eastern boundary. Both bunds would be separated from the proposed dwellings, but with the developer's indicative layout it could still lead to 9 properties requiring either alternative ventilation or smart design.

It was considered that the noise barrier was of a high quality and that there was no reason why a suitably designed scheme for 116 dwellings could not come forward. A condition requiring a Construction Environmental Management Plan (CEMP) would be added to ensure that there was no contamination on site and to ensure that construction work took place during sociable hours. The impact on views of the Cathedral would be minimal.

The proposal sought to provide two vehicular accesses, one onto Common Road and the other onto Manor Road. A circular cycle/pedestrian route was indicated to be placed around the proposed residential development. It was known that the roundabouts were already over capacity and that Main Street/Witchford Road was often used as the bypass in morning rush hour.

The developer was offering to pay £109,200 towards improving the Lancaster Way/A142/Witchford Road roundabout. This had been agreed by the County Council, but the S106 Agreement had yet to be signed.

Witchford Parish Council had requested the creation of a junction directly opposite the school entrance. However, this would create a highway danger and it was not what was proposed by the developer. It was noted that the Highways Authority did not accept cross junctions.

Speaking next of the main contributions, the Planning Team Leader reminded Members that the scheme proposed 30% affordable housing, with 70% being rented and 30% being shared ownership. There would also be 5% self-build and the developer would be required to pay Community Infrastructure Levy (CIL).

It was considered that on balance, the proposal was acceptable for up to 116 dwellings, subject to the recommended conditions and the completion of a S106 Agreement and was therefore recommended for delegated approval.

At the invitation of the Chairman, Mr John Londesborough, agent, addressed the Committee and made the following comments:

- There had been consultation with all parties;
- It was a sustainable location and had been identified for housing in the Emerging Local Plan;
- The development would help to meet local housing needs and would contribute to the District's 5 year housing supply;

- The site was a logical location;
- The tilted balance, as in paragraph 11 of the NPPF, was engaged;
- All the technical issues had been addressed to the satisfaction of all the consultees;
- There was capacity to accommodate the development, a clear framework and contributions would be made;
- The scheme would complement existing dwellings and deliver 30% affordable housing;
- It would bring economic benefits and help the Parish Council improve linkages including a foot/cycle path;
- There would be new green infrastructure and the bund would be landscaped.

The Chairman asked what was intended for the area between the northern bund and the boundary landscaping. Mr Londesborough replied that it was to be left as green open land because there was an element of surface water.

In response to a question from Councillor Goldsack regarding the timescale for delivery of the development, Mr Londesborough said that they would be looking to sell the land to a house builder as soon as possible. This would likely be within 12 – 18 months and delivery would be within 2- 3 years.

Councillor Smith said he would like to see the roundabout upgraded before any housing was built. The Planning Team Leader replied that a County Council study had showed that the roundabout required significant improvement, but the contributions would not pay for all the improvements needed. He, amongst others, had been pushing for something to be done for the last 2 years. Whilst he fully took on board what Councillor Smith was saying, the development could not be held up for this one roundabout.

Councillor Rouse expressed his full support for the proposal, saying that it was a really good site for development.

Councillor Hunt concurred, adding that it was a relief to see an application that was within the Emerging Local Plan and had been put forward by the Parish Council. He believed it showed a way forward by working together.

Councillor Goldsack said Members were seeing the benefit of ongoing consultation between Officers and the applicant. He thanked the applicant for working with the planning department to produce a fully policy compliant proposal.

The Chairman noted how pleasing it was to consider an application that was fully compliant with our planning policies and good to see an applicant that worked well with our Planning Officers.

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

It was resolved unanimously:

That the Planning Manager be given delegated authority to approve planning application reference 18/00820/OUM, subject to the recommended conditions as set out in the Officer's report (with any minor changes delegated to the Planning Manager) and the completion of a S106 Agreement.

84. 18/00934/OUT – 8 MALTING LANE, ISLEHAM, CB7 5RZ

Toni Hylton, Planning Officer, presented a report (reference T124, previously circulated) which sought outline permission for the erection of a dwelling to include access, layout and scale. The proposed dwelling was to be situated in the rear garden of the host dwelling with access shown from Croft Road. It would be sited in the middle of the overall plot of the host dwelling, but set to the northern end of the site with the garden concentrated to the south.

The site was within the development for Isleham but outside of the Conservation Area for the village. It was within an established residential area which was predominantly semi-detached or two storey dwellings. Each dwelling had a front and rear garden with parking limited to the front or side of each plot.

It was noted that the application had been called in to Planning Committee by Councillor Derrick Beckett for the reasons set out in paragraph 2.6 of the Officer's report.

A number of illustrations were displayed at the meeting. They included a map, an aerial image, the layout and elevations of the proposal and photographs relating to residential and visual amenity.

The main considerations in the determination of the application were:

- Principle of development;
- Residential amenity;
- Visual impact;
- Highway safety and parking; and
- Flood risk and drainage.

The Planning Officer reminded Members of the Council's current inability to demonstrate an adequate 5 year supply of land for housing. The presumption should therefore be in favour of sustainable development unless any adverse impacts of the scheme significantly and demonstrably outweighed the benefits.

The site was located within the development envelope of Isleham. The village had a number of services and a daily bus service to Newmarket and Cambridge during the week. On this basis a dwelling in this location was considered to be acceptable.

It was noted that the host dwelling, No. 8 Malting Lane and 1 Croft Road were the main dwellings that would be affected by the proposal.

A dwelling could be built on the site with no windows facing 6 Malting Lane, and while there might be some impact, it was unlikely to cause significant harm by overlooking, loss of light or by being overbearing.

The boundary of 1 Croft Road was approximately 8 metres from the proposed dwelling and it was considered that this separation distance was unlikely to cause harm to the residential amenity of this neighbour.

The Committee was reminded that in 2017 planning permission was granted for a two storey rear extension at 8 Malting Lane. Whilst this had not been implemented, the proposal would reduce the garden space to under the 50 metres stated within the Design Guide. If implemented, the extension and the proposed dwelling would be approximately 6 metres apart; this in itself would be an overbearing form of development. Even without the extension the proposal was overbearing on the adjoining host property. It was considered that it was contrary to Policy ENV2 of the Local Plan 2015 and the Submitted Local Plan 2017.

Turning next to visual amenity, the Planning Officer said that while the proposal was in outline, the plan clearly showed that there would be limited space between the dwellings, particularly if the extension was implemented.

It was considered that the proposal would cause significant harm to the character of the street scene and the visual appearance of the area by introducing a cramped and contrived form of development. It would create significantly detrimental impacts on the residential amenity of neighbouring properties by virtue of its scale and position in close proximity to the boundaries of the site and overbearing impacts on neighbouring occupiers. The application was therefore recommended for refusal.

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

- Nobody had registered to speak in objection today;
- The application for Mill House in Soham had been approved despite not complying with the Design Guide and Officers recommending it for refusal, adding another dwelling to the District's housing stock;
- The Council could not demonstrate a 5 year supply of land for housing and therefore the NPPF's tilted balance was engaged;
- Where policies were considered to be out of date, applications should be granted approval unless the adverse impacts outweighed the benefits;

- The Ward Member had said that this would be an opportunity to provide another small dwelling;
- In terms of the principle of good neighbourliness, there would be no overlooking, no loss of privacy and an adequate means of access;
- It met the requirements of both the host and new dwelling in relation to the Design Guide;
- To refuse the application, Members must feel that there would be significant and demonstrable harm caused;
- This dwelling was benign and would not cause harm to anyone.

Councillor Smith asked the Planning Officer how much weight Policy LP22 carried in the new Local Plan and was advised that it could be given limited weight, but it reflected other policies in the adopted Local Plan.

In proposing that the Officer's recommendation for refusal be supported, Councillor Hunt declared the application to be 'dreadful' and woefully inadequate because there would be tandem parking on the site. He requested that some wording be added to the reasons for refusal to reflect this.

Councillor Rouse said he would abstain from voting as he had not attended the site visit.

Councillor Ambrose Smith commented that she had found the site to feel truly oppressive.

The Chairman made reference to the Design Guide, saying that in the past he had been in favour of small units. However, he felt this scheme to be cramped as the plot size was nearly half of that set out in the Design Guide. He duly seconded the motion for refusal.

Councillor Goldsack believed that there would be tandem parking on Croft Road, especially with parents coming to pick up children from the school. As such, this application completely backed up the Council's policies. The Chairman agreed that there should be acknowledgement that cars would be reversing out of the site onto the road.

The Committee returned to the motion for refusal. When put to the vote, it was declared carried, there being 7 votes for and 1 abstention. Whereupon,

It was resolved:

That planning application reference 18/00934/OUT be **REFUSED** for the reasons given in the Officer's report, with Reason 1 being amended to read '*and a contrived layout due to its scale **being 180 square metres, tandem parking and proximity...***'

There followed a short break between 3.42pm and 3.50pm.

85. 18/00986/OUT – LAND REAR OF 9 WEST END, WILBURTON

Richard Fitzjohn, Senior Planning Officer, presented a report (reference T125, previously circulated) which sought outline consent for the erection of 7 dwellings, with access to be considered. Matters relating to appearance, landscaping, layout and scale were reserved. The proposal included the provision of a new 1.8 metre public footway connecting the application site and the existing footway further to the east of the site.

The application site comprised an agricultural field on the south side of West End, towards the western end of Wilburton and outside of, but adjacent to the development framework. Trees located along the northern boundary provided a good level of screening to the site, which gently sloped up in a north to south direction away from the public highway.

It was noted that the application had been called in to Planning Committee by Councillor Charles Roberts for the reasons set out in paragraph 2.3 of the Officer's report.

A number of illustrations were displayed at the meeting. They included a map, an aerial image, and an outline of the layout.

The main considerations in the determination of the application were:

- Principle of development;
- Character and appearance of the area;
- Residential amenity;
- Highway safety; and
- Drainage.

Speaking of the principle of development, the Senior Planning Officer reminded Members that the Council was currently unable to demonstrate a 5 year supply of land for housing. Housing applications should therefore be assessed in terms of the presumption in favour of sustainable development.

The site was located outside of, but adjacent to the established development framework for Wilburton. The proposed development would provide a new 1.8 metre public footpath connection between the application site and the existing footpath located further east along West End. The scheme would therefore provide a safe pedestrian route into the village. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the site was considered to be in a sustainable location.

The Committee noted that the scheme would not appear isolated as there was residential built form to the north, east and west of the application site. There were no significant or important views across the site and the Conservation Officer did not have any concerns that the development would affect the Conservation Area. It was proposed that the existing trees would be retained and those along the northern boundary of the site would aid assimilation of the proposed dwellings into the surrounding landscape and help to soften the visual impact. It was therefore considered that the site

could accommodate 7 dwellings without harming the character and appearance of the area and nearby Conservation Area.

The indicative layout demonstrated that 7 dwellings could be accommodated within the site with sufficient distancing from neighbouring properties to prevent any significant detrimental impact upon residential amenity. The indicative plans also showed that a private garden could be provided to the rear of the dwellings which exceeded the Design Guide requirement of a minimum of 50 square metres for private rear amenity space.

It was noted that the Local Highways Authority (LHA) had originally requested a holding objection on the application due to inadequate pedestrian access to serve the proposed development and the width of the junction. However, this had been addressed by the submission of a revised plan, following the receipt of which the LHA had stated that they had no further objections, subject to recommended conditions requiring the implementation of the new footway and the access to be constructed in accordance with the submitted drawing. It was therefore considered that the proposed development would not create any significant harm to highway safety.

The application site was located in Flood Zone 1 and Anglian Water had confirmed that the foul drainage from the development was in the catchment of the Wilburton Water Recycling Centre, which would have available capacity for these flows. Foul and surface water disposal schemes would be agreed by planning condition and it was considered that subject to those conditions the proposed development would not cause any significant detrimental impacts.

On balance, it was considered that the proposed development could be achieved without creating any adverse impacts that would significantly and demonstrably outweigh the benefits.

At the invitation of the Chairman, Mr Adam Tuck, agent, addressed the Committee.

He said he had worked closely with Officers on the application and he wished to thank the Senior Planning Officer for all his hard work. There had been no objections from any of the statutory consultees and he hoped that Members would support approval of the scheme.

Councillor Hunt said he was very familiar with the site and was aware that speeding was more prevalent going up the hill. Having noted that 45 metre visibility splays were proposed, he asked if the applicant would be prepared to increase the length by another 10 metres. Mr Tuck replied that there had been no objections from the LHA, but this could be considered.

Councillor Hunt next asked if the turning head would be to an adoptable standard and Mr Tuck said that it would be so for the first 10 metres and the rest would depend on drainage and if the road surface was permeable. There would be bin collections off the main road and the Council would be indemnified for refuse lorries.

In response to a question from Councillor Cox, Mr Tuck confirmed that it would not be necessary for any of the occupants of the 7 houses to take their refuse bins up to the kerbside.

Councillor Hunt proposed that the Officer's recommendation for approval be supported. In doing so he requested that the length of the visibility splays to be increased to 55 metres and that HGV/delivery vehicle access be restricted to between the hours of 09:00 and 16:00.

The Planning Manager stated that the hours of access had to be reasonable, reiterating that sometimes deliveries were outside of the applicant's control. The Chairman suggested that just HGV's be restricted, and that if Members were so minded, approval of the conditions be delegated to the Planning Manager in consultation with himself.

Councillor Rouse believed the site to be very good and duly seconded the motion for approval. When put to the vote the motion was declared carried, there being 7 votes for and 1 abstention.

It was resolved:

That the Planning Manager, in consultation with the Chairman of the Planning Committee, be given delegated authority to approve planning application reference 18/00986/OUT subject to the recommended conditions as set out in the Officer's report, an amendment to increase the length of the visibility splay and with the addition of a condition restricting access for HGV's to between 09:00 and 16:00 hours.

86. 18/01008/FUM – IFORCE LTD, ELEAN BUSINESS PARK, SUTTON, CB6 2QE

Dan Smith, Planning Consultant, presented a report (reference T126, previously circulated) which sought permission for the erection of an extension to an existing warehouse for the purpose of storage and distribution of goods (B8 Use) as well as the assembly of mixed goods and their distribution. The warehouse extension would comprise 1,079 square metres of additional floor area located on the north side of one of the existing buildings on what was currently a hardstanding service yard between two of the applicant's buildings.

The application site was located on the Elean Business Park on the east side of Sutton; it was outside of the defined development envelope of the village but within the confines of the existing Business Park. To the immediate south of the site was the building which was proposed to be extended and to the north was a similar building which served the same business. To the west was the Elean Power Station and open land, and to the east was open countryside which separated the Business Park from the western fringe of Witcham.

It was noted that the application had been referred to the Planning Committee as it was a full application which fell within the category of major employment use (floor space of 1,000 square metres or more).

A number of illustrations were displayed at the meeting. They included a map, an aerial image, a photograph relating to visual amenity, and an aerial image with an overlay showing the distance of the proposal from residential neighbours.

The main considerations in the determination of the application were:

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

The Elean Business Park was allocated employment land in the Adopted Local Plan 2015, and it was a Strategic Employment Allocation within the Submitted Local Plan 2018. The development was considered to accord with current adopted policy regarding employment uses and the allocation of employment land and with the aspiration of emerging policy to see a greater use of the Business Park.

It was noted that the extension to the warehouse would be located fully within the confines of the Business Park on hardstanding, and the only wider public views would be distant views of the site from the south east. The scale and materials would be in keeping with the existing building and set in from either end. It was considered that the proposal would not result in any significant harm to the visual amenity of the area or impact adversely on the character and appearance of the countryside.

The lighting would be mounted on the building and would not need to be any greater than at present. On that basis, the proposed development was considered to be acceptable and a condition regarding lighting was considered to be unnecessary.

With regard to residential amenity, Members noted that the proposed development was approximately 500 metres from the nearest residential dwellings. Given the spatial separation and the nature of the proposed use of the building, it was not considered that there would be any significant impact on the nearest neighbouring properties.

The site would continue to be accessed via the existing internal Business Park road. The plans submitted showed that sufficient space would be retained on site to allow HGV's to access the loading bays and turn on site. It was considered that the proposal was unlikely to generate significant additional parking demand and that adequate car parking was already provided on site. It was not felt that further parking provision was required and the proposed development was therefore considered to be acceptable in terms of its impact on highways and its parking provision.

The Committee was reminded that the application site was within the outer limit of the Impact Zone for the Hundred Foot Washes Site of Special Scientific Interest. Natural England had been consulted and responded by saying that the proposal would not have any significant adverse impacts on

statutorily protected sites or landscapes. Given the existing nature of the site, its potential for biodiversity interest was extremely low and the development of the site was not considered to harm ecological interests either on or off site.

In terms of the planning balance, the proposed development was in accordance with adopted and emerging policies for the location of warehousing uses on the established Business Park. It was considered to be sustainable and was therefore recommended for approval, subject to conditions.

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

It was resolved unanimously:

That planning application reference 18/01008/FUM be APPROVED subject to the recommended conditions as set out in the Officer's report.

87. 18/01053/OUN – LAND REAR OF GARDEN CLOSE, SUTTON

Anne James, Planning Consultant, presented a report (reference T127, previously circulated) which sought outline planning permission for up to 53 dwellings, 30% of which would be affordable, together with associated development including open space as well as a nature reserve. Access was to be determined at this stage with appearance, landscaping, layout and scale to be reserved matters.

Members were asked to note the following points of housekeeping:

- 1) Equality Act 2010, s 149 – Members' attention was drawn to the Equality Act 2010 and the duty placed on all public bodies to have regard to persons who shared relevant protected characteristics.

During the evaluation of this application the Planning Consultant had had a number of conversations with Mr Wood, who with his wife and son, owned 10 Oates Lane, and this property abutted the site to the north. Mr and Mrs Wood had an extant permission for a lifetime home for their son at this site, however, this permission had not yet been implemented.

Due regard had been had to the personal circumstances of this family and this was reflected in paragraphs 7.2.4 and 7.2.5 of her report. Mr and Mrs Wood were unable to attend the meeting as they were taking respite at the moment. However, a letter from Richard Buxton, Solicitors, dated 1st November 2018 had been circulated to the applicant and Members, the contents of which should be noted. Mr and Mrs Wood had requested that should planning permission be approved, that the impact on their son should be addressed at the outline planning stage rather than at the reserved matters stage.

The proposal currently under consideration sought an 'in principle' decision that the site could support up to 53 dwellings as well as public open

space and that access into the site was agreed. The other matters concerning scale, external appearance, layout and landscaping were to be discussed as 'reserved matters' where a further planning application would be submitted. A list of the proposed conditions were also appended at Appendix 1.

A number of conditions had been proposed in the solicitor's letter suggesting that details of the layout, scale and an appropriate buffer, as well as the extent of the development along the northern boundary abutting 10 Oates Lane be imposed on the outline consent.

Members may wish to consider, whilst having due regard to the Equality Act, whether the imposition of these additional conditions would meet the 'six tests' as set out in paragraph 206 of the National Planning Policy Framework (NPPF) in that they were

- Necessary;
- Relevant to planning;
- Relevant to the development to be permitted;
- Were enforceable;
- Precise; and
- Reasonable in all other respects.

Members may also wish that the Reserved Matters application be re-considered by the Committee.

The indicative Masterplan illustrated that a landscape buffer had been proposed on the northern boundary and that the closest dwelling, a bungalow, faced this boundary treatment across the access road into the bungalow.

Also of pertinence to the application was the extant permission for 10 Oates Lane. The plans indicated that a new chestnut paling fence, reinforced with native species hedgerow was proposed along the southern boundary and Condition 8 of the 2017 consent specified that '*The boundary treatments hereby permitted shall be constructed in accordance with the details specified on the approved plans. The boundary treatments shall be in situ and completed prior to the first occupation on the site. All works shall be carried out in accordance with the approved details and retained thereafter.*'

It was considered that the Council in both its discussions with Mr Wood and the report, Committee had satisfactorily discharged its duty under the Equality Act 2010 and due regard had been had to persons who share relevant protected characteristics .

- 2) Members were aware that an application was refused in January 2018 and that there was an appeal currently in progress. As yet no decision had been provided.

- 3) Within her report at point 5.1, she had reproduced comments from the Sutton Ward Councillor and should have added that they were from Councillor Lorna Dupré.

The site was located outside the established development envelope of Sutton and adjoined the settlement boundary to the north and west, which marked the edge of the built form of the village. There was modern residential development in Garden Close and a more historic pattern of development along Station Road. A number of ponds and water features were located in the south-eastern corner of the site and the site was bounded by hedgerow and woodland to the south and open land to the east. The Sutton Conservation Area adjoined the northern boundary of the site and there were a number of listed buildings on Station Road and within close proximity to the site.

It was noted that the application had been called in to Planning Committee in accordance with the Council's Constitution as the proposal was for over 50 dwellings.

A number of illustrations were displayed at the meeting. These included a map, an aerial image, an indicative layout showing where views would be protected and trees to be retained, and access points to the development.

The Committee noted that the main considerations in the determination of this application were:

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

The Planning Consultant reiterated that the Council no longer had a five year supply of land and therefore policies concerning the supply of housing could not be considered up to date. All planning applications for housing were now considered on the basis of the presumption in favour of sustainable development.

An Inspector's decision was awaited on the appeal lodged against the previously refused scheme 17/01445/OUM.

It was noted that the applicants had taken on board comments raised by the Council, statutory consultees and the local community and had improved the layout of the proposed scheme to provide views of the Sutton Conservation Area. The proposed nature reserve would act as a buffer.

The application site lay to the south of the Conservation Area and was in close proximity to a number of listed buildings. Rathmore, and Rectory Farmhouse were both Grade II listed and the closest, being some 30 metres from the northern boundary of the site. The Grade I listed Church of St Andrew was on higher ground on the northern side of Station Road. A Heritage Statement submitted with the application acknowledged that the proposed development would result in a change to a small part of the Conservation Area's setting. The scheme had drawn sightlines to ensure the most significant views looking south were retained. This had been achieved by realigning the internal layout and increasing the amount of landscaped areas to the north; the imposition of a condition was recommended to protect the sightlines.

It was considered that the public benefits of the scheme, including the provision of up to 53 dwellings (including 17 affordable dwellings), open space and the nature reserve would outweigh any harm caused and would not bring the proposal into conflict with the policies of the current Local Plan or that of the Submitted Local Plan 2018.

Turning next to residential amenity, the Planning Consultant said there was sufficient space to ensure that future residents would have a satisfactory level of amenity. A number of concerns had been raised by residents of Garden Close regarding a potential loss of light and privacy if dwellings were located along the western boundary. The development block would be located approximately 16 metres from the boundary to provide a sufficient separation distance, subject to appropriate design, in accordance with the East Cambs Design Guide SPD.

Detailed representations had been received from the owners of 10 Oates Lane, due to the special needs of their son. They had an extant planning permission to construct a dwelling designed to meet his very specific needs and it was considered by them to be a 'lifetime home' as their son would require constant care for his entire life. Mr and Mrs Wood were concerned that the introduction of two storey dwellings in close proximity to their boundary would have an impact on their privacy and their son's future needs.

The illustrative Masterplan indicated that only one bungalow was proposed adjacent to the north-west boundary and it would be some distance from the boundary with 10 Oates Lane. On the basis that this was only an illustrative plan, it was considered that the future layout of the development could take into account the special requirements of the owners of 10 Oates Lane and that refusal of the application on residential amenity grounds at this stage could not be justified. An acceptable development could be designed at the reserved matters stage to ensure that there were no adverse impacts on the residential amenity of adjoining residents or future occupiers of the site.

The LHA was satisfied that access to the site via Garden Close could be achieved and that the scheme as a whole would not be to the detriment of highway safety. It was considered that the local highway network could safely accommodate the traffic generated by the development.

The applicant had presented a satisfactory scheme to address surface water drainage, and it was considered that this could be adequately addressed at the reserved matters stage and through the imposition of planning conditions.

In connection with biodiversity and ecology, the proposal would result in the loss of some amenity grassland, improved grassland and some species-poor intact hedgerow. However, the applicant had put forward a scheme of mitigation, including the creation of a nature reserve to enhance and protect the local Great Crested Newt population.

Members were reminded that matters in relation to residential amenity, visual amenity and highway safety were not raised as concerns by Committee in January 2018 and therefore it would be unreasonable to introduce them now. Further details could be considered at the reserved matters stage or by condition.

The scheme was considered to represent sustainable development and the benefits would not be significantly and demonstrably outweighed by the adverse impacts. The application was therefore recommended for delegated approval, subject to the recommended conditions and the satisfactory completion of the S106 Agreement.

At this point, the Chairman asked Maggie Camp, Legal Services Manager to address the Committee and she made the following points:

- The Planning Consultant had already covered a lot of what she was going to say;
- Section 149 of the Equality Act 2010 placed a duty on all public bodies (including councils making planning permissions) to have “due regard” to persons who share “relevant protected characteristics” when exercising their functions. This was known as the Public Sector Equality Duty. This meant having due regard to the impact of the decision on persons who shared protected characteristics, in this case Mr and Mrs Woods’ disabled son;
- Members were reminded that the duty did not require the decision maker to do or not to do anything. It was important that Members were aware of, and had due regard to, the duty in making the decision and this applied at all stages of a planning application, both at outline stage and at reserved matters stage.
- Members should also consider whether, without hearing Mr and Mrs Woods today (although it was understood that Cllr Dupre would be reading a statement from them), that they had enough information to be able to consider the potential impact of the development on Mr and Mrs Wood’s son as a disabled person.
- Members should note that they needed to consider whether the approach suggested by the Planning Consultant in giving her report that, namely if in granting outline permission as recommended, they should require the reserved matters to be determined by the

Committee, was likely to adequately address the concerns expressed in the letter from Richard Buxton.

The Chairman announced that he was exercising his discretion to allow the registered speakers 10 minutes each in which to address the Committee.

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

- The majority of the site was allocated in the Submitted Local Plan;
- The illustrative layout showed how the development would round off the village;
- There were no technical reasons to refuse the application and the affordable housing should be given substantial weight;
- The tilted balance applied and recent appeal decisions supported approval of the scheme;
- There was a small question of the County Council requests in relation to the S106 about education to ensure that this was CIL compliant;
- He thought it appropriate that Officers should have delegated authority to approve the application;
- SuDS and the nature reserve maintenance would be dealt with in the S106 Agreement;
- This was an opportunity for Members to make a local decision.

The Chairman asked Mr Jenkins if there were any reasons why he would find the additional conditions unreasonable. Mr Jenkins replied that the Committee should focus on the principle, as the detailed issues could be dealt with at the reserved matters stage. He outlined that in having 'due regard' to the needs of Mr and Mrs Wood's son, the applicant needed to adopt a reasonable and proportional approach. He felt the separation distances stated in the Richard Buxton letter seemed to be excessive, and he thought they were covered by conditions 1 and 2. If it was considered appropriate, a boundary treatment could be added to condition 2 to create a balance for both sets of future residents.

At the invitation of the Chairman, Councillor Lorna Dupré addressed the Committee, first in her capacity as a Ward Member for Sutton, and secondly as advocate for Mr and Mrs Wood's son. She made the following points:

Ward Councillor:

- She was asking the Committee to refuse the application;
- The principle of development on part of the site was accepted and it was also recognised in the Sutton Neighbourhood Plan, which was

almost at the point of referendum. The original vision was for a development of 25 retirement bungalows, which the community could accept and which would have been appropriate in this context;

- The area was ancient meadow land that had not been ploughed in living memory. It supported a wide diversity of flora and fauna in an ecosystem that had grown up over many years. Once destroyed, it would be impossible to replace;
- Planning Committee considered and refused an outline application in January 2018. It was identical to today's application, apart from a revised illustrative layout for the site;
- The Committee's refusal was currently the subject of an appeal, which had yet to be determined and this application should be deferred until the decision was received on the appeal;
- There was a risk that, if today's application was approved, the Council could find itself in the position of winning the appeal against refusal of its exact duplicate;
- The proposal extended outside the development envelope and outside the site SUT.H2 in the Submitted Local Plan.;
- 2½ storey dwellings would sit badly in the surrounding landscape and it would not be possible to remedy the effect on the landscape and wildlife;
- The area was prone to serious water management issues. Highways had been working with the Lead Local Flood Authority to address drainage problems in Red Lion Lane and resolve flooding at Link Lane. Residents were worried that further infill south of the High Street would make the problem even worse;
- Standing water was frequently seen in the area, even in summer. If the development was built to the proposed density, there would be substantial areas of hard surface driveways and impermeable gardens that would increase runoff;
- There was no guarantee that management of the ditches would be carried out in the future;
- A development of 2 and 2½ storey dwellings in this part of the village would be totally out of keeping;
- If the Committee felt that there was no option but to approve the application, conditions should be imposed today. Otherwise it should be refused and the applicant asked to return with a full application to ensure the development was in context with the surrounding area.

Advocate:

- Mr and Mrs Wood were unable to attend because they were taking a long planned respite break which could not be rescheduled because of the complexities in arranging full time care for their son;
- Members had received a copy of a letter from Mr and Mrs Wood's solicitor, outlining their case and their requests in respect of their decision today;
- The Woods bought the site at 10 Oates Lane with the intention of building a lifetime home where they could care for their son and meet his needs for the rest of their life together. Those needs were recognised when they were granted permission for their new home (17/00756/FUL), and they were requesting that those needs continue to be recognised today;
- They were asking the Committee to take account of their son's needs under S149 of the Equality Act 2010 and impose conditions today which would address the distance of the closest dwellings and gardens from the boundary with 10 Oates Lane, limit the height of those dwellings, and create a buffer zone to restrict access to the boundary with 10 Oates Lane;
- It was not possible for Mr and Mrs Wood to achieve their needs for their son anywhere else. It had been suggested that they move to a remote rural location, but this would mean isolation, lack of access to services and facilities, and it would be difficult to recruit and retain carers;
- Their current home was within range of the centre of the community, so their son would be able to access local facilities and keep in contact with friends. His carers would be able to travel on public transport to look after him;
- Mr and Mrs Wood were fully committed to the site and building would start next month. They now wanted a decision that would enable them to use their future home in the way it was designed, to give their son the privacy and seclusion he needed;
- They were mindful of the amenity of future neighbours and did not want to find themselves being banned from using their garden space;
- If these matters were not determined at this stage, they would have to address the issue again with the developers at the reserved matters stage and this would further compromise their son's privacy;
- They were asking the Committee to create a privacy boundary by imposing the following conditions at this stage:
 - Minimum of 25 metres from the boundary of 10 Oates Lane to the end of any garden, with any dwelling at least 35 metres away;
 - Such dwellings to be single storey, or if not, all windows facing 10 Oates Lane to be non-opening and obscure glazed; and

- The intervening land not to be accessible.
- Mr and Mrs Wood believed there were compelling reasons to limit the developable part of the site to the northern boundary of SUT.H2.

The Chairman asked the Planning Manager if the Committee was able to call in the reserved matters application; she replied that it would be completely reasonable to do so as it had been done on other applications.

Councillor Goldsack felt that Members had fulfilled the obligation to have due regard to the request made by Mr and Mrs Wood in respect of their son. The Chairman reiterated that the Committee did not have to make a decision one way or the other, just to have due regard.

Councillor Hunt commented that as the previous refusal was under appeal, Members should wait before determining this application. The Chairman interjected to say that it was very usual to twin track and applications had to be determined in a timely fashion.

In response to a question from Councillor Hunt, the Legal Services Manager confirmed that Members should take account of the letter from Richard Buxton, Solicitor, but they were under no obligation to act on it.

Councillor Rouse thought the site to be very developable and said he was satisfied that due consideration had been given to the Public Sector Equality Duty; this was a good scheme in a good setting.

The Chairman reminded the Committee that they could not acknowledge the revised plans because they were only indicative. He urged Members to be consistent, as in January 2018 they had thought the site to be good, but refused the application for one reason, namely the site was unsustainable because it was outside the development envelope.

In proposing that the Officer's recommendation for delegated authority be supported, Councillor Hunt asked for the application to come back to Planning Committee at the reserved matters stage so that it could be fully discussed having regard for the Public Sector Equality Duty.

The motion was seconded by Councillor Rouse, and when put to the vote;

It was resolved unanimously:

That the Planning Manager be given delegated authority to APPROVE planning application reference 18/01053/OUM subject to the completion of a S106 Agreement and the draft conditions (with any revisions to the conditions delegated to the Planning Manager) as set out in the Officer's report.

It was further resolved:

That the Reserved Matters application be brought back before the Planning Committee.

88. 18/01241/OUT - LAND ADJACENT TO CASTLE FARM, HASSE ROAD, SOHAM

Catherine Looper, Planning Officer, presented a report (reference T128, previously circulated) which sought outline planning permission for a single dwelling. Scale and access formed part of the application with appearance, landscaping and layout to remain reserved matters.

The table in paragraph 2.5 of the Officer's report showed the differences between this proposal and application reference 17/01279/OUT, which had been refused by the Planning Committee on 5th October 2017.

On a point of housekeeping, Members were asked to note that the agent had submitted a plan on 6th November 2018 showing the position of trees on the site which had been reviewed by the Senior Trees Officer. This was in order to overcome Reason 4 of the refusal recommendation which related to insufficient information being submitted to assess the impact on trees at the site. The Senior Trees Officer advised that this information was not complete and that a Method Statement was required in relation to the construction of the access as there were two trees at the front of the site. In the light of this, the Planning Officer proposed inserting additional wording within Reason for Refusal 4 stating '*without a tree survey and method statement ...*'

The site was located within in Flood Zone 3, approximately 1.65 miles from the edge of Soham's development framework and a further mile from the main facilities and services in the town centre. As a result the application site was considered to be in a countryside location.

It was noted that the application had been called in to Planning Committee by Councillor Carol Sennitt for the reasons set out in paragraph 2.2 of the Officer's report.

A number of illustrations were displayed at the meeting. These included a map, an aerial image and the layout of the proposal.

A similar application was refused in October 2017. The current application had increased the site's red line, and the scale of the dwelling had also been increased.

The Committee noted that the key issues for consideration in the determination of this application were:

- Principle of Development;
- Flood Risk;
- Visual Amenity;
- Residential Amenity;
- Highway Safety; and
- Other Matters.

The Council was currently unable to demonstrate an adequate five year housing supply and therefore applications were being assessed on the basis of presumption in favour of development unless there were any adverse impacts in doing so.

The application site was located approximately 1.65 miles from Soham, and was outside of the defined development boundary in an isolated location with only a few sporadic dwellings in the locality. It was therefore considered to be an unsustainable location for the erection of a new dwelling, similar to the conclusions of the Inspector in a recent appeal decision.

It was noted that the application site was located in Flood Zone 3, defined within the NPPF Planning Practice Guidance as having a 'high probability' of flooding. The development type proposed was classified as 'more vulnerable' and the NPPF made it clear that this type of development was not compatible with this flood zone and should not be permitted unless the development was necessary.

A Flood Risk Sequential Test had not been submitted by the applicant. The LPA had therefore considered the requirements of the Sequential Test and identified that there were a number of allocated sites for housing within the Parish of Soham. The proposed additional dwelling was not necessary in this location as there were other available sites located outside of the flood zone.

With regard to visual amenity, it was considered that the development would result in a hardening of the landscape, as there would be views of the proposed dwelling and garage from the highway due to their height and scale. The introduction of a dwelling in this location would be harmful to the rural character and appearance of the area and would create an urbanizing impact which would erode the predominantly undeveloped and agricultural nature of the area.

The application did not include sufficient information to show that the proposal would not be harmful to trees at the site and therefore the LPA was unable to determine whether the proposal is acceptable.

Members noted that the location of the proposal was not considered to create significantly detrimental impacts on neighbouring occupiers. The full impact on residential amenity would be assessed at the reserved matters stage.

The LHA did not object to the principle of the application but had requested a number of conditions which could be attached to any approval. As such, the application was considered to comply with policy in relation to safe and convenient access to the public highway.

A scheme to deal with foul and surface water, contamination, and biodiversity enhancements could all be addressed by means of conditions.

On balance, the proposal was not considered to impact on the residential amenity of nearby occupiers, but the site was in an unsustainable location at risk of flooding, and would create significant and demonstrable

harm to the character of the countryside. Insufficient information had been submitted regarding the impact on trees at the site. The application was therefore recommended for refusal.

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

- A similar application had come to Committee in October 2017. One of the reasons for refusal was because the site was considered to be too small;
- The current proposal was a larger site in a section of paddock;
- It was similar to pre-October applications granted permission in Great Fen Road and Hasse Road;
- The area was known locally as the Great Fen and had been discussed many times;
- The proposal supported the three objectives to achieving sustainable development, as set out in the NPPF;
- It should be remembered that not everyone wanted to live in towns, and some people worked from home;
- The proposal would be very well screened and planting could be secured by condition;
- The trips generated from the dwelling would be minimal;
- The site was in a defended flood zone and the dwelling was to be constructed to a particular height;
- The applicants had lived in Soham for 25 years, they had family in Soham and had been foster parents to able bodied and disabled children;
- The application was supported by their local Member;
- The Council could not demonstrate a 5 year supply of land for housing, therefore the presumption should be in favour of sustainable development;
- A Method Statement could be conditioned in respect of the trees.

Councillor Goldsack said that having been on the site visit, he did not think the proposal was harmful or unsustainable; in his opinion, the reasons for refusal were not acceptable.

The Chairman remarked that if Members were minded to grant approval, the trees could be conditioned.

Councillor Rouse said that they tended to do things differently in Soham Fen and he could see no substantial reason to not allow the

applicant to have his house where he wanted it. He believed the application should be granted approval.

The Chairman disagreed with the views put forward by Councillors Rouse and Goldsack. The nature of the fen was unusual in that there was open countryside and then clusters of houses. This scheme would not be part of a cluster, it would be very remote and isolated. Consideration should be given to the significant and demonstrable harm it would cause. The site had increased in size, but the fundamentals had not changed.

Councillor Cox said he could not see why the application should be refused because flooding could be mitigated; he did not think the dwelling would do any harm and should be approved. Councillor Ambrose Smith agreed, saying that the school bus transported children and Royal Mail delivered in the area, so the site was sustainable.

Councillor Hunt supported the Chairman's comments. The site was totally in the countryside and the roads were not viable. It was an unsustainable location and the proposal would be out of keeping with the character of the locality.

Councillor Smith commented that if the application was approved then members were not being consistent.

Councillor Goldsack felt that they were not looking at the whole picture regarding local housing. There were several properties along Hasse Road that had large gardens, and this proposal was for a much larger, substantial dwelling.

It was duly proposed by Councillor Goldsack and seconded by Councillor Rouse that the Officer's recommendation for refusal be rejected, and the application be granted planning permission. When put to the vote the motion was declared carried, there being 5 votes for and 3 against.

It was resolved:

That planning application reference 18/01241/OUT be APPROVED for the following reasons:

- Members do not believe the proposal will have an adverse impact on the open countryside;
- They consider the location to be sustainable;
- They do not believe the proposal will have a significant impact on residential amenity;
- The proposed design can overcome issues with flood risk; and
- The impact on trees can be mitigated.

89. PLANNING PERFORMANCE REPORT – SEPTEMBER 2018

The Planning Manager presented a report (T129, previously circulated) which summarised the planning performance figures for September 2018.

The Department had received a total of 174 applications during September which was a 22% decrease on September 2017 (222) and a 7% increase from August 2018 (163).

Officers were continuing to hit their targets, but there had been a sudden increase in the number of applications coming in with an average of 490 on the books at any one time.

The Agency Workers were continuing to provide valuable support and a new Planning Officer, Emma Barral, would be taking up post on 12th November.

A couple of other offers of employment had been made and the Planning Manager asked Members to bear with her while the Team was brought back up to complement.

The report would continue to give details of appeals, along with other relevant items.

Members noted that Cathy White, Senior Trees Officer, had worked with Neil Horsewell (former Trees Officer) and Catherine Looper, Planning Officer to produce the Council's Tree Strategy 2018-2028. A competition for schools had been held to submit photographs of trees to go in the document and the winners (Littleport Community Primary and Robert Arkenstall Primary Schools) would be given trees to plant in their school grounds during National Tree Planting Week at the end of November. The Chairman expressed his delight at hearing about this, and asked that his thanks be passed on to all members of the Planning Team.

It was resolved:

That the Planning Performance Report for August 2018 be noted.

The meeting closed at 5.25pm.