



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, 2<sup>nd</sup> August 2017  
at 2.00pm.

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

Councillor Joshua Schumann (Chairman)  
Councillor Christine Ambrose Smith  
Councillor Sue Austen  
Councillor Derrick Beckett  
Councillor Paul Cox  
Councillor Lavinia Edwards  
Councillor Mike Rouse  
Councillor Stuart Smith

#### **OFFICERS**

Julie Barrow – Senior Planning Officer  
Tim Driver – Planning Solicitor  
Barbara Greengrass – Senior Planning Officer  
Oli Haydon – Planning Officer  
Janis Murfet – Democratic Services Officer  
Gareth Pritchard – Planning Officer  
Rebecca Saunt – Planning Manager

#### **ALSO IN ATTENDANCE**

Approximately 22 members of the public

#### **36. APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Councillors David Chaplin, Bill Hunt and Lisa Stubbs.

#### **37. DECLARATIONS OF INTEREST**

Councillor Smith declared an interest in Agenda Item No. 9 (17/00881/FUL, Land East and South of 111 Hillrow, Haddenham, CB6 3TL), saying that he would withdraw from the Chamber prior to the discussion and voting on the item.

Councillor Beckett declared an interest in Agenda Item No. 7 (17/00550/OUT, Appleyard Farm, 1 Houghtons Lane, Isleham), saying that he would withdraw from the Chamber prior to the discussion and voting on the item.

**38. MINUTES**

Further to Minute No. 20 (Apologies and Substitutions), it was noted that Councillor Edwards had attended the meeting on 5<sup>th</sup> July, but her name also appeared as having offered apologies for absence.

It was resolved:

That subject to the above correction, the Minutes of the Planning Committee meeting held on 5<sup>th</sup> July 2017 be confirmed as a correct record and signed by the Chairman.

**39. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman asked Members to note that due to the number of applications due for determination, there would be an additional meeting of the Planning Committee on Monday, 18<sup>th</sup> September as well as the meeting scheduled for the first Wednesday of September.

**40. 17/00003/OUT – LAND SOUTH OF 1 TO 7 OLD SCHOOL LANE, UPWARE, CB7 5ZR**

Julie Barrow, Senior Planning Officer, presented a report (S71, previously circulated) which sought outline planning permission for the construction of six detached, two storey dwellings on land to the west of Upware Road. Access, layout and scale were to be determined at this stage with appearance and landscaping as reserved matters.

The site was located outside of the established development framework of Upware, which lay to the north of the site beyond the remainder of the land within the control of the applicant. The site was currently vacant with some boundary vegetation.

The Senior Planning Officer stated that consent had previously been given for five detached dwellings fronting onto Upware Road under references 15/00482/OUT and 16/01307/OUT. Two of the dwellings that already had consent were to be moved further south in order to provide space for an access road off Upware Road that would lead to four dwellings in the western half of the site. The proposal therefore sought to increase the total number of dwellings on the wider site from five to nine.

It was noted that the application had been called in to Planning Committee by Councillor Ian Bovingdon as "*it needs full discussion by Committee due to the contentious nature of the planning application locally and Wicken's/ Upware's commitments in the emerging Local Plan*".

A number of illustrations were displayed at the meeting, including a map, an aerial image, the history of the proposal, the layout of the proposal,

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an aerial image regarding visual amenity, and a photograph relating to residential amenity.

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

- Principle of Development;
- Visual Amenity;
- Highway Safety;
- Residential amenity;
- Drainage and flood risk; and
- Ecology.

Members were reminded of the Council's current position regarding the lack of ability to demonstrate an adequate 5 year supply of land for housing. This meant that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweighed the benefits.

The Senior Planning Officer said that although the site was located outside the established development framework of Upware, it was close to the settlement boundary in places and was therefore considered to be well connected to the settlement, alongside a number of residential dwellings.

There were limited facilities and services in the village and Upware was considered to have reached saturation point, as future residents would be reliant on the private motor car to access local goods and services, including childcare and education.

It was noted that the Parish Council was broadly in support of the proposal, but only on the basis that significant infrastructure improvements were secured as part of the application. Although the addition of 9 dwellings in total would significantly increase the size of Upware, the provision of the infrastructure improvements requested could not be seen to be directly related to the development and it would be unreasonable for them to be connected to this development alone.

It was the view of Officers that the 5 new dwellings already granted planning permission was adequate, and that the development of the entire parcel of land in the applicant's control did not represent a sustainable form of development.

Development in depth was not a defining feature in Upware and the proposal would run contrary to the existing built form, including the frontage dwellings that had consent. The development of all the land in the applicant's control would have a significant effect on the character and appearance of the area, urbanising what was currently an open area adjacent to the river.

The proposal failed to respect the edge of settlement location and would dominate the landscape in the immediate area. It was considered that

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the scale and layout would cause significant and demonstrable harm to the visual amenity of the area and on this basis was contrary to Policies ENV1 and ENV2 of the Local Plan.

In terms of highway safety, the Local Highways Authority (LHA) had no objection to the scheme and was satisfied that the necessary visibility splays could be provided. Whilst it was noted that local residents felt improvements should be made to Upware Road, the Senior Planning Officer reiterated that these could not be required as part of the application. The submitted plans showed that a footpath could be provided along Upware Road and this was supported by the LHA. There was sufficient space to accommodate two parking spaces per dwelling. The proposal was therefore considered to comply with Policies COM7 and COM8.

With regard to residential amenity, the detailed design of the dwellings would be dealt with at the reserved matters stage. The proposed layout indicated that sufficient plot sizes could be achieved and that future occupiers would enjoy a satisfactory level of amenity. An acceptable relationship could be achieved with properties and it was therefore considered that the proposal complied with Policy ENV2.

Members noted that the site was located in Flood Zone 1. The Lead Local Flood Authority was satisfied with the drainage provision on site, and had no objection to the proposal, subject to a condition requiring a detailed scheme to be submitted.

Speaking of the planning balance, the Senior Planning Officer said that an additional four dwellings would add to the ECDC housing stock and this attracted significant weight in favour of the proposal. The applicant had demonstrated that the proposal was acceptable in terms of residential amenity, highways safety, drainage and ecology. However, it was considered that development in depth in this location would lead to significant and demonstrable harm to the character and appearance of this edge of settlement location. In addition, the proposal did not represent a sustainable form of development and exceeded a level of growth that could be considered sustainable for the settlement. These matters weighed heavily against the proposal and were not outweighed by the benefits of the scheme. The application was therefore recommended for refusal.

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

- He thanked the Senior Planning Officer for her comprehensive report;
- The proposal was adjacent to the settlement boundary and well connected to the village;
- The Council could not demonstrate an adequate 5 year supply of land for housing and therefore the presumption should be in favour of sustainable development;
- Permission had already been granted for 5 dwellings;

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- The access road was acceptable and should be allowed;
- This site was in the same parish as Wicken, where several recent developments had been approved under delegated powers, even though they were outside the development boundary;
- He had liaised with the Parish Council and the Upware Community Group and taken on board their comments;
- The infrastructure improvements would not be forthcoming and it was lack of investment that contributed to poor infrastructure;
- There would be provision for an area of public open space, which would go to the Parish Council;
- The site was central to the village and would not have an adverse impact;
- Highways did not want to adopt the road;
- Fire hydrants would be provided;
- It was proposed to provide screened refuse bin stores;
- A landscaping scheme was to be submitted and the proposal could be well screened;
- He struggled to see how it could be considered unsustainable;
- There had been no registered adverse comments;
- This development could be a massive positive and it would contribute the Council's shortfall in housing land.

Councillor Beckett said he had reservations about this proposal because it would represent a significant increase in the size of what was a hamlet. The Officer's aerial image had shown the whole of Upware, and he felt that this scheme would be a truly significant increase. He also struggled to see that much development in one go. .

Councillor Rouse thought this to be a difficult application which would require a balanced decision. His concern was the impact on this small hamlet. He was minded to support the Officer's recommendation because of the impact on the river frontage and footpath; he believed the scheme would be intrusive. Whilst the agent had put forward some good points, on balance the application should be refused.

In response to a question from Councillor Cox, the Senior Planning Officer reminded the Committee that the Parish Council was broadly supportive of the proposal but only on the basis that improved infrastructure was put in place. The scale of this development was such that it would be unreasonable to request the improvements.

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Councillor Smith commented that while he would be content with houses just along the boundary, on balance he supported refusal of the scheme.

Councillor Schumann commented that permission had already been granted for 5 dwellings and 17% growth had already been allowed in the settlement.

It was duly proposed by Councillor Rouse and seconded by Councillor Smith that the Officer's recommendation for refusal be supported. When put to the vote:

It was resolved unanimously:

That planning application reference 17/00003/OUT be REFUSED for the reasons given in the Officer's report.

#### **41. 17/00363/OUM – LAND NORTH OF 17 – 45 TOYSE LANE, BURWELL**

Barbara Greengrass, Senior Planning Officer, presented a report (S72, previously circulated) which sought outline planning approval for residential development with all matters reserved.

The precise number and layout of dwellings had not been provided but the initial Illustrative Masterplan showed that the site could accommodate residential development whilst allowing for an area of open space and planting around the perimeter. The applicant advised that on a density of up to 35 dwellings per hectare the site would accommodate approximately 73 dwellings.

On a point of housekeeping, Members were asked to note the receipt of a revised Transport Assessment which stated that minor improvements would be required on the B1102 on the approach from Burwell.

The application site was located outside the development envelope of Burwell, on the north edge of the village, bounded by existing gardens of adjacent residential properties in Toyse Lane to the south, and Apple Tree Grove and Chestnut Rise to the west. To the north and east was open agricultural land. The land immediately to the east of this site was refused permission (for residential development of approximately 88 dwellings accessed off Ness Road) at Planning Committee in June 2017.

A number of illustrations were displayed at the meeting. These included a map of the application site, an aerial image and an indicative showing how the site might be laid out. There were also photographs relating to the street scene and landscape impact.

The Senior Planning Officer said the key issues for consideration in the determination of this application were:

- Principle of Development;
- Visual Impact;

- Residential Amenity;
- Access and Highway Safety;
- Flood Risk and Drainage;
- Ecology and Archaeology.

Members were reminded that the Council was unable to demonstrate an adequate five year supply of land for housing and therefore housing applications should be assessed in terms of the presumption in favour of sustainable development.

The proposed dwellings would immediately adjoin the settlement and so could not be classed as isolated. Whilst the development would bring economic and social benefits, when considered cumulatively with the proposed housing allocation for Burwell and other recent approvals for housing development, it would result in an unsustainable amount of residential development which would place significantly increased pressure on local infrastructure and services.

It was noted that this site was proposed for housing development in the first call for sites exercise alongside the preliminary draft Local Plan in February/March 2016. The site was rejected by the Council and not taken forward into the further draft Local Plan in January/February 2017. The reason for rejection was based on concerns about access, visual impact and there being more suitable sites available elsewhere in the village.

In determining this planning application a different test was applied to that which was applied when assessing a site's suitability for inclusion in the Local Plan. The test to be applied was that of the presumption in favour of sustainable development, as set out in paragraph 7.1.1 of the Officer's report. The proposal should only be refused permission if it could be demonstrated that it was an unsustainable form of development and where there was significant and demonstrable harm.

In terms of visual impact, the application site sat directly adjacent to existing residential development along its southern boundary and it was very open with little vegetation to offer any enclosure. A large residential development in this location would be visually prominent and intrusive, and would not provide for a natural extension to the built form of the village. It would also have the effect of elongating the built form into the open countryside on this northern edge of Burwell, causing significant and demonstrable harm to this edge of settlement location.

The applicant was of the view that the development could be assimilated into the surroundings by the use of extensive planting belts. However, such planting would take considerable time to mature and the harm to the character of the area and the wider countryside would have already occurred. In any event it was considered that unacceptable development could not be made acceptable by screen planting.

Speaking next of residential amenity, the Senior Planning Officer stated that the residential amenity of the future occupiers of the development could be dealt with at the reserved matters stage. The residential amenity of

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existing adjoining residents would be impacted both by the noise and disturbance from the additional traffic and the noise and disturbance and safety and security due to the new pedestrian access. Whilst the former was considered within acceptable limits, as Chestnut Rise already served a significant number of dwellings, the harm caused by the new pedestrian link was unacceptable and this view was supported by the Police Crime Prevention Team.

The Committee noted that a revised transport Statement had been submitted, but had not yet been assessed. The Highways Authority considered that access from Chestnut Rise could be satisfactorily achieved, but the Transport Team was not satisfied that the additional traffic would not be detrimental to the wider road network.

Foul drainage was acceptable, subject to mitigation to prevent flooding downstream, but in connection with surface water drainage, the Lead Local Flood Authority had objected as no evidence had been provided that infiltration would work and no feasible alternative had been provided. The proposal therefore did not comply with Policy ENV8 of the Local Plan 2015, The Cambridgeshire Flood & Water SPD, and Section 10 of the NPPF.

The ecology and biodiversity aspects of the proposal were deemed acceptable and biodiversity enhancements could be included within the soft landscaping and open space requirements for the scheme.

The Historic Environment Team was satisfied that the findings of the Archaeological Assessment would allow matters to be dealt with by condition requiring an archaeological programme of works.

It was noted that the 40% affordable housing provision was in accord with Policy HOU3 of the Local Plan and the applicant had agreed to make a financial contribution towards education, although the figure had yet to be agreed.

At the invitation of the Chairman, Mr Sean Marten, Planning Manager for Barratt Homes, addressed the Committee and made the following comments:

- There had been a successful public consultation which went towards shaping the Masterplan;
- The Council could not demonstrate an adequate five year supply of housing land;
- This scheme would offer numerous benefits;
- It would provide 40% affordable housing and be liable to Community Infrastructure Levy (CIL). It would also provide an educational contribution;
- He did not feel the reasons for refusal were valid or defensible and that the benefits of the scheme weighed in its favour.

Councillor Rouse wished to know if the Masterplan referred to by Mr Marten was the one carried out by the Council. Mr Marten replied that it was



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not, this one had been put together by Barrett Homes to demonstrate their plans for the site. He also stated that there had been a joint exhibition for this proposed development and the one that had been refused permission two months ago.

Councillor Beckett asked why the application had been brought to Committee with no clear access and Mr Marten answered that it was due to contractual obligations. Barrett Homes was unable to secure the other land and needed to reserve an access.

Referring to the application which had been refused, the Chairman noted that Mr Marten had said he was trying to resolve the reasons for that refusal. Mr Marten replied that the report had been submitted in March and the issues had yet to be resolved as he was going through the report with his consulting teams; he would be having a meeting with the Planning Manager in September. The Chairman responded by saying he thought it would have been more appropriate to have the all the information available before submitting the application.

Members were asked to note that Councillor David Brown, a Ward Member for Burwell, was unable to attend the meeting but had requested that a statement be read out on his behalf. With the permission of the Chairman, the Democratic Services Officer read out the following:

*"I fully support the officer recommendation for refusal of this application, for the reasons outlined in the report.*

*I would like to expand on the comments of Burwell Parish Council at point 5.1 in the report, with reference to extensive consultation. I was one of the members of the Burwell Masterplan Working Group, which drew together the Burwell Masterplan adopted by Council. To remind members, the outcome of that work was the preferred site for growth in Burwell should be 350 houses off Newmarket Road. My understanding is that the outline planning application for that site (which has been with ECDC for over 18 months) is due to be considered by your Committee in September.*

*I would like to stress that the extensive consultation which reached that conclusion (and discounted this site you are considering today) involved 9 well-attended public meetings and 2 door-to-door consultation surveys. I urge you to give due consideration to that comprehensive consultation exercise.*

*I should also stress that Burwell residents are not against growth per se, as can be witnessed from the above comments. It should also be noted that since ECDC adopted the Masterplan Burwell has accommodated numerous windfall planning approvals as well as 2 major developments approved outwith the Masterplan – namely 72 dwellings on the ex-D S Smith site (Reach Road) and up to 92 Park Homes on Weirs Drove.*

*I urge the Planning Committee to support the officer recommendation and refuse this application."*

There being no further comments or questions, it was proposed by Councillor Edwards that the Officer's recommendation for refusal be

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supported, with the proposed density of the scheme being too high as an additional reason for refusal. The motion was seconded by Councillor Austen.

Councillor Beckett expressed surprise that this application had not been withdrawn as he felt there was no clear steer as to where the access would be. He thought that if it was to be onto North Street or Toyse Lane it would be a nightmare. He commented that the density was too high and he also made the point that the Parish Council had expressed its desires for the village, had been proactive in its approach to the planning process and had expressed the wish to work with ECDC.

The Committee returned to the motion for refusal and when put to the vote,

It was resolved unanimously:

That planning application reference 17/00363/OUM be REFUSED for the reasons given in the Officer's report and for the additional reason that the density of the development is too high as indicated.

*Councillor Beckett left the Chamber at 2.43pm*

#### **42. 17/00550/OUT – APLEYARD FARM, 1 HOUGHTONS LANE, ISLEHAM, CB7 5SR**

Oli Haydon, Planning Officer, presented a report (S73, previously circulated) which sought outline consent for the construction of two 2 storey detached dwellings. The matters being considered as part of this application were access, landscaping, layout and scale, with appearance remaining a reserved matter.

On a point of housekeeping, Members were reminded that following publication of the Committee papers the Parish Council had submitted a revised objection on the grounds that this proposal raised exactly the same concerns as those for application reference 17/00222/FUL, which had been refused in June 2017; this objection had been circulated to the Committee prior to the meeting.

It was noted that the application had been called in to Planning Committee in line with the requirements of the Constitution.

A number of illustrations were displayed at the meeting. These included a map of the application site, an aerial image, the layout of the proposal, a photograph of the street scene, and photographs relating to residential amenity and highway safety.

The Planning Officer said the main considerations in the determination of this application were:

- Principle of Development
- Visual Impact

- Residential Amenity
- Highway Safety

Members were reminded that the Council was currently unable to demonstrate that it had an adequate five year supply of land for housing and therefore housing applications should be assessed in terms of the presumption in favour of sustainable development.

The site was located outside the development envelope for Isleham, but adjacent to an existing dwelling and a number of buildings associated with the farm. There were other residential dwellings located to the west of the application site, with the adjacent site to the east having an approval for one dwelling. The site was sufficiently well connected to the facilities and services on offer in the village and the wider area and it was therefore considered that the proposal related relatively well to the existing built form of the settlement.

The Planning Officer reiterated that the appearance of the proposal would be dealt with as a reserved matter and as such, only a limited assessment of visual impact in terms of design could be made at this stage. The two 2 storey proposals, in essence, could be classed as an in-fill development as they would be located between a recent approval and an existing dwelling. It was considered that the two dwellings could be accommodated on the site without causing visual harm.

It was noted that without details of the appearance of the dwellings, the impact on privacy could not be fully assessed at this outline stage. However, by virtue of the separation distances alone and the scale of the existing and proposed dwellings, there was likely to be scope within the reserved matters application to ensure residential amenity remained protected for existing and future residents. It was considered there would be an acceptable minimal impact on any future occupier from the farm.

The Local Highways Authority had no objections to the scheme although they had raised concerns regarding further development along Houghtons Lane. There would be sufficient parking and turning on site and although the scheme did not include a passing place, the agent and applicant had made it clear that there would be scope for such an improvement should the need arise.

With regard to other material considerations, an Ecology Survey had concluded that no significant ecological constraints had been identified that would adversely affect the proposed residential development site.

The Senior Trees Officer had raised no concerns with the proposed planting (or removal of any trees on the site) and had recommended a full landscaping scheme be secured by condition.

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

- He had very little to add to what the Case Officer had already said, but he wished to address a couple of points in the report;

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- In response to the Parish Council's comment that Houghtons Lane did not include street lighting, further lighting would be installed;
- Highways had said there was no public footpath, but one did exist. It was constructed in the 1960s by Highways and was overgrown and therefore not visible.

Councillor Cox commented that looking at the pictures from the Parish Council in relation to flooding and issues with the road, could this application be combined with the previous application opposite the site which included a footpath.

Taking up on the point regarding street lighting, the Chairman asked Mr Fleet if he would be happy to speak to the County Council about this matter. Mr Fleet replied he would do so if Members deemed it necessary. The Planning Officer interjected to say that nothing had been asked for. The application for the site opposite was being resubmitted with some improvements, so there was scope with the agent and applicant for improvements to be made.

Councillor Smith commented that if the County Council adopted the road, it would have to improve the lighting, but the Chairman said the County Council would not put in street lighting, as the extent of the adopted highway stopped just after this development.

Councillor Rouse believed that the concerns regarding access could be resolved, especially with the house beyond having planning permission. He therefore proposed that the Officer's recommendation for approval be supported.

Councillor Edwards seconded the motion and when put to the vote, it was declared carried, there being 6 votes for and 1 abstention against.

It was resolved:

That planning application reference 17/00550/OUT be APPROVED subject to the recommended conditions as set out in the Officer's report.

*Councillor Beckett returned to the Chamber at 2.55pm.*

#### **43. 17/00703/FUM – LAND EAST OF THE PADDOCKS, CHEVELEY**

Julie Barrow, Senior Planning Officer, presented a report (S74, previously circulated) which sought consent for the construction of ten dwellings on land to the east of The Paddocks, with access through The Paddocks, a residential development currently under construction and nearing completion.

On a point of housekeeping, Members were reminded that following publication of the Committee papers a neighbour had submitted comments and a photograph in objection to the application; these had been circulated

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to the Committee prior to the meeting. Members were also asked to note that there were ongoing discussions with the Trees Officer and the Lead Local Flood Authority and following the submission of an updated Tree Survey reason for refusal No. 3 was now removed from the recommendation.

It was noted that the application had been called in to Planning Committee by Councillor Mathew Shuter, as *“there is considerable local anger and opposition to this proposal and the Parish Council is unanimously opposed to it.”*

The site was located outside the established settlement boundary and within the south eastern part of the village, to the east of the High Street. It extended to approximately 1.2 hectares and currently formed part of Brook Stud. A public footpath ran parallel to the eastern boundary, alongside a mature hedge and tree belt. The southern boundary was also marked by a line of mature trees. A recently constructed balancing pond, which served The Paddocks, lay just outside the north eastern corner of the site.

A number of illustrations were displayed at the meeting, including a map of the location site, an aerial image, the layout of the proposal, a block plan showing the public footpath, the protected trees, open space and the attenuation pond (Phase 1), and the street elevations and house types.

The Senior Planning Officer said the main considerations in the determination of this application were:

- Principle of Development;
- Visual Amenity;
- Residential amenity;
- Highways safety;
- Drainage and flood risk;
- Flood Risk;
- Ecology & biodiversity.

With the Council currently being unable to demonstrate an adequate five year supply of land for housing, all local planning policies relating to the supply of housing had to be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development as set out in the NPPF. This meant that proposals should be approved unless any adverse effects of the development significantly and demonstrably outweighed the benefits.

The application site was located adjacent to a site allocated in the 2015 Local Plan for residential development. Planning permission was granted in 2013 for 15 dwellings on the allocated site and that development was nearing completion. The application site had been put forward by the

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applicant for allocation as part of the Local Plan review process, but the outcome of the evaluation was not yet known.

Cheveley was described as having a good range of local services, including a regular bus service to Newmarket. The site was adjacent to the development envelope with convenient access to the goods and services on offer in the village. The site was therefore considered to be in a sustainable location.

The applicant proposed to offer two dwellings as affordable units, which was not strictly required by Policy HOU3 on a scheme of this size. This would attract weight in favour of the proposal.

Members noted that Brook Stud had an operational area of 204 acres, and the application site comprised just 1.5% of the total. On this basis the Local Planning Authority considered that the proposal was unlikely to have any impact on the horse racing industry as a whole and the development of this site would not set a precedent for further non-equine uses on the stud land. The proposal was not therefore considered to be contrary to Policy EMP6.

With regard to visual amenity, the Senior Planning Officer stated that Cheveley was primarily a linear village with the most notable development in depth to the west of the site on the opposite side of High Street on Spurling Close. A Public Right of Way ran alongside the eastern boundary of the site with clear views from its north eastern corner. The development would feature prominently in views of the village from the footpath and would urbanise the settlement edge in this location. Trees and vegetation along the western boundary would temper views at certain times of the year, but the built form would dominate the landscape.

The applicant had sought to minimise the impact of the proposal by reducing a number of the dwellings in size and moving them away from the eastern boundary. Additional landscaping was also proposed in this area to help assimilate the development into its surroundings. The proposal would however fundamentally alter the character and tranquillity of this area and it was considered that the scale and form of the development was such that it would cause significant and demonstrable harm to the visual amenity of the area, especially to users of the Public Right of Way.

The scheme represented a low density form of development, with space between plots and generous plot sizes, and future occupiers were likely to enjoy satisfactory levels of residential amenity. The existing balancing pond to the north of the site and an area of landscaping separated the site with the rear boundaries of the dwellings on the High Street. The proposed scheme would not result in a significantly detrimental effect on the residential amenity of the occupiers of those dwellings.

The view from the rear and side of a number of existing dwellings would change with the loss of the open paddock land, but the loss of a view was not a material planning consideration and the application could not be refused on this basis. On balance it was considered that residential amenity would not be affected.

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In response to concerns raised by the Local Highway Authority (LHA) regarding the layout of the shared access, minor amendments had been made by the applicant. The width of the road way had been increased and gates to dwellings had been removed, as had a small area of parking on the roadway. The LHA had confirmed that the amended layout satisfied its requirements and there was no objection to the scheme.

The Committee was asked to note that revised plans for drainage had been submitted since the Officer's report was published. A continuous ditch would discharge to an off-site watercourse on Brook Stud, but the maintenance and practicalities of the system raised concerns, as it would be easy for the system to fail if the ditches were not maintained. On this basis, the LLFA was maintaining its objection to the proposal.

It was noted that the applicant had submitted a revised Arboricultural Impact Assessment and the Trees Officer had duly withdrawn his objection despite continuing to have concerns regarding the long term future of the protected Oak tree. Reason No. 3 for refusal was therefore to be removed from the Officer's recommendation.

On balance, the applicant had demonstrated that matters in relation to residential amenity, and highway safety were acceptable, subject to suitably worded planning conditions. The development of this site was however contrary to the linear pattern of development in Cheveley and would lead to the loss of a valuable area of open paddock land adjacent to a Public Right of Way. It was considered that the encroachment of the built form of the village into this countryside location would lead to significant and demonstrable harm to the character and appearance of the area.

The applicant had failed to demonstrate that appropriate surface water drainage arrangements could be accommodated within the site and that the proposal would not adversely impact upon a number of significant trees, including a protected Oak tree. These matters weighed heavily against the proposal and it was considered that the adverse effects were not outweighed by the benefits of the scheme and the application was therefore recommended for refusal.

At the invitation of the Chairman, Mr Andrew York, objector, addressed the Committee and made the following points:

- He was speaking for himself and on behalf of a number of residents;
- This proposal would cause significant loss of privacy to a number of properties: 185 High Street was an elevated property, No. 195 had unobstructed views, and No. 193 is subject to a covenant to prevent further dwellings in the garden;
- There was a high risk of flooding and this could not be mitigated;
- The entire drainage system would require constant maintenance – who would do this? How could it be guaranteed that the ditches and swales would be maintained? Children and wildlife would be at risk if they fell into the ditches;

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- This development would damage the unique character of Cheveley, as it would be just a housing estate;
- The views from the footpath would be destroyed, as would be virgin stud land;
- The development would put pressure on village infrastructure;
- There are sustainable, non-intrusive brownfield sites in the village that could be developed;
- 40 families in Cheveley had objected to the scheme. As a community they were not against development, but this was encroachment;
- Cheveley was a linear village.

At the invitation of the Chairman, Mr Paul Sutton, agent, spoke in support of the application and made the following comments:

- The proposal represented a logical second phase to the development;
- It would be well screened;
- The layout and mix had been revised to address Officer concerns and there would be additional tree planting;
- Cheveley's historic core was linear but the whole of the village was not. The character was more varied at each end of the village;
- Three large dwellings had been approved immediately to the north of the application site;
- The proposed site was one large paddock which had never been used or formed part of the stud, and three smaller foaling paddocks;
- The site would be very well screened. Trees and hedges would completely screen the site in summer and partly in winter;
- Drainage proposals had been amended and to include above ground drainage;
- The LLFA had expressed concerns but confirms the proposals are technically okay. The applicant had offered restrictive covenants to address those concerns and a management company would be set up;
- There were no technical reasons why the application should not be approved. The location was sustainable and with the Council being currently unable to demonstrate a 5 year supply of land for housing, the presumption should be in favour of sustainable development;
- There were no sound planning reasons to refuse this application.



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At the invitation of the Chairman, Parish Councillor James Hadlow addressed the Committee and made the following points:

- He was representing Cheveley Parish Council and they wished to object to the proposal in the strongest possible terms;
- The development would cause significant and demonstrable harm to the character of the village;
- The development to the north was built on brownfield land, this site was greenfield;
- An additional 10 houses would be contrary to paragraph 109 of the NPPF, as they would dominate the views;
- Cheveley was dominated by bungalows whereas this scheme would be more suited to an urban environment. It would harm the setting and character of the village;
- It was not sustainable and would not meet the criteria of the NPPF because it would impact on the local economy. The main employers in this area were stud farms and this would be set on stud land, thereby setting a precedent;
- In terms of social prosperity, this was a tipping point and the fear was that Cheveley would become a dormitory village;
- There were brownfield sites available elsewhere;
- Public transport was limited, the roads were polluted, the sewage system was at capacity and school places were lacking;
- Flooding was a risk and drainage was difficult because the development would be surrounded by ditches;
- The community was not against development and the village was taking its fair share;
- This scheme was not sustainable, it would set a precedent and would have a detrimental impact.

Councillor Hadlow concluded by urging the Committee to use common sense and refuse the application; he then responded to comments and questions from Members.

The Chairman, having noted Councillor Hadlow's remark that the Parish Council was not against development, asked if they saying they were only willing to take 10% growth. Councillor Hadlow replied that it was impacting on the village and growth was more than 10%.

Councillor Ambrose Smith commented that if the development did not go ahead, this would result in the loss of two affordable dwellings and she asked Councillor Hadlow for his thoughts on social housing. He replied that he would like to see it, if appropriate.

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Councillor Beckett enquired about the number of houses in the village and those on the edge of the settlement but Councillor Hadlow was unable to give the numbers. The Chairman interjected to say that the Local Plan stated 460 dwellings in the Parish, and Councillor Hadlow responded by saying that he was speaking about those in the village.

The Chairman confirmed that reason for refusal No.3 should be deleted from the recommendation. Whilst he thought the surface water drainage scheme was unworkable, having visited the site he would now find it difficult to argue that it was in an unsustainable form of development and the proposal was a natural extension.

Councillor Rouse said that in principle, he would have few problems with approving the application because he did not believe the development would cause demonstrable harm. However, drainage needed to be resolved and it was unacceptable that householders should be relied upon to maintain the system. No.2 in the Officer's recommendation was the strongest reason for refusal and on that basis only he supported refusal of the application.

Councillor Beckett said that sites south of Newmarket were being put forward as part of the emerging Local Plan. He too struggled to see a problem with the sustainability of the site, but he agreed that drainage was an issue. Machinery would require access to keep the drains clear and he did not see how this could be achieved if the drains ran through people's gardens. He felt that the application had not been properly thought out and he was therefore minded to support the recommendation for refusal.

The Chairman reiterated his point about Cheveley taking 10% growth, saying that Upware was taking 17% and Wicken, 30%. There was a need to build houses and the District wanted to see growth.

It was duly proposed by Councillor Rouse and seconded by Councillor Ambrose Smith that the Officer's recommendation for refusal, Reason No.2 only, be supported. When put to the vote,

It was resolved unanimously:

That planning application reference 17/00703/FUM be REFUSED for Reason No.2 only, given in the Officer's report.

Councillor Beckett asked that in the event of another scheme coming forward, concerns regarding the protection of residential amenity be addressed.

*Councillor Smith left the Chamber at 3.55pm.*

#### **44. 17/00881/FUL – LAND EAST AND SOUTH OF 111 HILLROW, HADDENHAM, CB6 3TL**

Gareth Pritchard, Planning Officer, presented a report (S75, previously circulated) which sought permission for two proposed dwellings on land east and south of 111 Hillrow, Haddenham and followed on from a similar application previously refused under 17/00083/FUL for two dwellings.

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It was noted that the application had been called in to Planning Committee by Councillor Mike Rouse as the issues around sustainable or non-sustainable location with Hillrow should be discussed in public.

The site was located outside of the established development framework of Haddenham and adjacent to the Hillrow Conservation Area. It formed part of a traditional fen landscape with sparse development interspersed with fields and agricultural activities. The south side of Hillrow did not benefit from a footpath; there was a footpath on the north side of the road, but this was separated from the site by a 40 mph road.

A number of illustrations were displayed at the meeting, including a map, an aerial image, a block plan of the proposal, elevations and some photographs relating to visual amenity.

Members were reminded that the main considerations in the determination of this application were:

- Principle of Development
- Visual Amenity and impact on the historic environment
- Residential Amenity
- Highway Safety
- Ecology and trees

The Planning Officer reiterated that the Council was currently unable to demonstrate an adequate five year supply of land for housing and therefore housing applications should be assessed in terms of the presumption in favour of sustainable development.

The proposed development was located some 150 metres to the west of the Hillrow established development framework and approximately 800 metres to the west of the main development framework of the village, where the main amenities and services were located. Given its location and distance from Haddenham and its distance from the main market town of Ely, it was considered that future occupants would be highly reliant on the motor vehicle. The Local Planning Authority (LPA) therefore considered the application site to be in an unsustainable location.

It was noted that the closest bus stop serving the proposed development was within the centre of the village, some 1.5 km away. This was outside of the generally established 800 metres for a walkable neighbourhood. However, the LPA considered that those with high levels of mobility might only walk this distance in large towns or cities, but not in the case of the village facilities found in Haddenham. As a result, the concerns regarding the principle of development were not overcome.

Turning next to visual amenity and impact on the historic environment, Members were reminded that the site was located outside of the Hillrow Conservation Area. The Conservation Officer had not objected to the proposal and considered that it would not have an adverse impact on the

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adjacent Conservation Area. Given that it lay on the fringe of the Area, any loss of view to the south would be minimal.

The applicant had sought to overcome the previous reason for refusal by detaching the garage and relocating it so that the dwellings did not occupy the whole frontage when viewed from Hillrow. However, locating garages between the highway and dwellings was contrary to the Design Guide SPD and the character of development along Hillrow. Whilst the plots complied with the Design Guide SPD in terms of size, it was considered that the development would create an urbanising impact which would erode the predominantly rural open character of the plot and the dispersed development along Hillrow.

Given the location of the proposed development it was not considered that it would cause significantly detrimental harm to residential amenity. Vehicle movements at the access were not considered to be significantly detrimental on the dwellings opposite and the application was therefore considered to comply with the residential amenity aspect of Policy ENV2 in this regard.

The Committee noted that the Local Highways Authority had raised no objections to the principle of the application, but noted that the footpath to the settlement was on the north side of the road and that this was a 40mph section of road. It was considered that it might be dangerous for residents to cross the road to access the footpath if they were to walk to the main settlement. This, combined with the distance from Haddenham and the likely use of the motor vehicle, meant that the application was considered to fail to comply with Policy COM7 in that it did not encourage sustainable forms of transport.

The Trees Officer had raised no objections subject to the imposition of necessary conditions and the applicant's agent had provided additional ecology information which was considered to be acceptable. Two sections of hedgerow would be removed, outside of nesting season, to provide accesses to the proposed dwellings. The rest of the site was open and of agricultural use and was therefore considered to be of little ecological use.

On balance, although the proposal would bring the benefit of two new dwellings, this would be outweighed by the significant and demonstrable harm created by placing additional dwellings within an unsustainable location, and the visual impact was considered to result in significant and demonstrable harm. 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 first visited the site in 1980, so he was familiar with the path and the reliance on the use of a car;
- The proposal was for two modest dwellings in large plots, and he was aware of the constraints of the site;
- The site was not grade 1 agricultural land, so this left the issues of visual impact and locational harm;

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- There was already an existing community there and the proposal would not cause any harm;
- With regard to visual harm, the bar was higher for conservation interests, but the Conservation Officer was satisfied with the proposal;
- These would be modest houses. Nobody was entitled to a view, but the view would be maintained for the houses on the other side of the road;
- There was no significant and demonstrable harm to outweigh the benefits of the proposal, but there would be two more homes to contribute to the housing stock;
- This scheme was truly sustainable.

Councillor Rouse observed that this was a large site in total and he asked why permission was being sought for only two dwellings on this part of the site. Mr Kratz replied that it was an edge of settlement location and the applicant was aware of the need to maintain the views out over the countryside; the proposed dwellings would reflect the character and appearance of the locality.

At the invitation of the Chairman, Parish Councillor David Lyon, Chairman of Haddenham Parish Council, addressed the Committee and made the following remarks:

- The proposed site was somewhat remote but directly opposite properties in the Conservation Area;
- The land was traditionally open farmland and worthy of preservation;
- It was recognised that the application had been slightly amended, but the amendment was minor;
- The properties would be out of keeping with the character and appearance of the area;
- It had not been demonstrated that two properties were needed outside of the development envelope. The proposed housing should be in the village and there was already ample provision;
- This proposal failed the social, economic and environmental aspects of sustainability. The NPPF stated that sustainable development should protect and enhance the vitality of rural communities and he could not see how this would do that;
- All three Ward Members were against the proposal, and it should be refused.

The Chairman asked Members to note that Councillor Bill Hunt, the local County Member for Haddenham, was unable to attend the meeting but had requested that a statement be read out on his behalf. With the

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permission of the Chairman, the Democratic Services Officer read out the following:

*"I am a Member of the Planning Committee but am away in Scotland at present. I am the local County Council Member for Haddenham and I am the Vice Chairman of the Highways and Community Infrastructure Committee at the County Council which is the Highways authority. I have for many years been very concerned about road safety along the A1123 between Haddenham and Earith.*

*I ask the Planning Committee to agree with the professional advice of the Planning Officer, the two District members (Cllr Cheetham and Cllr Hugo, who are not on the Committee) and the Parish Council and REFUSE this application. I know the Committee rightly places great reliance on local people's views as they live there and represent the local residents. A Tractor Driver and a Motor Cycle rider were killed on this part of the A1123 in 2016 alone.*

*It cannot be considered safe to have extra vehicles accessing the A1123 at this point and as if to underline this view, the highways authority has a "Slow" sign on this part of the road. There is also no footpath.*

*The application is by my calculation about half a mile from the centre of the village and the local Bus route. The proposal fails to conform to Growth5 and COM7 and the NPPF.*

*In my view this application does nothing to add to the surrounding unspoilt area. The suggested position of the garages is unfortunate and out of place in Hillrow and detracts from the street scene. One neighbour states that this is an "Opportunistic development of a green field site" I agree with that view.*

*This development in my view will have a negative impact on a carefully considered Conservation area and the views across the ancient ridges and the historic Mill will be impacted.*

*All in all this application has few merits and many many negatives.*

*As I said at the start of this note, I ask you to agree with the officer's view and refuse this application.*

*Thank you for listening."*

The Chairman next informed the Committee that Councillor Steve Cheetham, a Ward Member for Haddenham, was unable to attend the meeting and had requested that a statement be read out on his behalf. With the Chairman's permission, the Democratic Services Officer read out the following:

*"The proposed houses would sit outside of the development envelope for Haddenham as per the developing Local Plan (January 2017) and immediately opposite the Conservation Area.*

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*An application for a loft conversion at 74 Hillrow (opposite) was recently refused due to the proximity of the Conservation Area.*

*The proposed houses are out of keeping with the existing street scene and out of scale in terms of size. The development is a long way from the village amenities and there is no existing footpath into the village. This development would change grade 1 agricultural land which has always been pasture into housing.*

*The proposal fails to comply with the Policies GROWTH 5 and COM7 of the East Cambridgeshire Local Plan 2015 and Paragraphs 14 and 55 of the National Planning Policy Framework, as it fails to promote sustainable development.*

*The proposed is contrary to Local Plan policy ENV1 of The East Cambridgeshire Local Plan which states that development proposals should have a location, scale and form which creates a positive and complementary relationship with the surrounding unspoilt rural area.*

*The proposal is contrary to Local Plan Policy ENV2 which ensures that proposals respect the density.”*

*We also fully agree with the detail and the recommendation for refusal of the ECDC Planning Officer.”*

In response to questions from Councillor Rouse, the Planning Officer reminded Members of the dimensions of the proposed dwellings and stated that Hillrow (north) was a mixed development with no defined style or size of houses. He also said that Highways had raised no objections to the proposal despite there being no footpath on the south side of the road.

Councillor Ambrose Smith commented that while she was walking on the pavement during the site visit, she did not see “wonderful views” but just a high hedge. She recalled that at a previous Committee meeting Members had commended large houses on large plots. Furthermore, where Members stopped on today’s site visit there was a very large house on the other side of the road, so she could see no problem with the proposal.

Councillor Beckett thought that the Committee tended to be subjective. He agreed with Councillor Ambrose Smith’s comments, adding that he did not consider the proposed dwellings to be particularly large or out of place. There was a need to be consistent as a Committee, and he believed this proposal to be better than some he had seen. He did not consider the scheme to be out of place and he did not agree with the Officer’s recommendation for refusal.

The Chairman said the Planning Committee had “rehearsed to death” the unsustainability argument. Prior to the site visit, his mindset was that the site should never be developed; however, once on site all he could see was a hedge. It was necessary to take growth in rural areas, so any development should be sensitive and low density. It was a question of balance, and he was minded to support approval of the application.

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Councillor Cox expressed his support for approval of the application.

Councillor Rouse thought there must have been very strong reasons for the Officer to have recommended refusal, but once on site he could not see them. He noted that the Conservation Officer had no objections to the scheme and he himself could not see any really strong reasons to refuse it.

Councillor Edwards asked that if permission was granted, there should be a condition requiring the retention of as much of the hedgerow as possible.

It was proposed by Councillor Beckett and seconded by Councillor Cox that the Officer's recommendation for refusal be rejected. When put to the vote,

It was resolved unanimously:

That planning application 17/00881/FUL be APPROVED for the following reasons:

- Members believe the location to be sustainable;
- They believe the proposal will not cause demonstrable harm to the open countryside; and
- They consider that the scale and bulk of the scheme is acceptable.

It was further resolved:

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

*Councillor Smith returned to the Chamber at 4.05pm*

#### **45. 17/00958/FUL – BYWAYS, BARCHAM ROAD, SOHAM, CB7 5TU**

Oli Haydon, Planning Officer, presented a report (S76, previously circulated) which sought full planning consent for the erection of a chalet bungalow with off-road parking.

It was noted that the application had been called in to Planning Committee by Councillor Carol Sennitt, as it was considered that the location was sustainable.

The site was located approximately two thirds of a mile from the northern edge of Soham's development envelope and about two miles from the closest part of the town centre boundary. Barcham Road was a single car-width road with no pedestrian footpaths, leading from the A142 along the edges of agricultural fields.

The site comprised an area of amenity space belonging to Byways, a detached single storey dwelling located in close proximity to Orchard Farm, Orchard Farm Business Park and Holly Farm.



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A number of illustrations were displayed at the meeting, including a map of the application site, an aerial image, the layout and elevations of the proposal, an overlay on the aerial image showing how the proposal would sit within the location, and photographs of the street scene.

The Planning Officer reminded Members that the main considerations in the determination of this application were:

- Principle of Development
- Visual Amenity
- Residential Amenity
- Highway Safety

With regard to the principle of development, the Planning Officer reiterated that the site was located outside the settlement boundary of Soham, and two miles from the facilities and services of the town, contrary to National Planning Policy Paragraph 17 and Local Plan Policy COM7.

Barcham Road was a 60mph road with no pedestrian footpaths. There was a limited bus service with the closest stop being on the A142, linking with Newmarket, Ely and Cambridge. This would mean that occupiers of the proposed dwelling would very likely depend on a vehicle to access the services of the town and beyond.

It was noted that Paragraph 35 of the NPPF encouraged development to protect and exploit opportunities for sustainable transport. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the site was therefore not considered to be in an environmentally or socially sustainable location.

Members were reminded that two recent proposals in close proximity to this application site were refused at Planning Committee in May 2017 on the grounds of unsustainability and visual impact. Members were also aware of three recent appeal decisions which upheld the Local Planning Authority's decision to refuse planning permission on the grounds of an unsustainable location; this was also a material planning consideration.

In terms of visual amenity, the proposal was in keeping with larger dwellings in the area, and the footprint was smaller than that of surrounding dwellings. The proposed materials were commonly found in the wider area and the proposal was considered to be acceptably coherent within the rural and open character of the area.

By virtue of the separation distances and the scale of the existing and proposed dwellings, there was unlikely to be overlooking or an overbearing impact on the neighbouring occupiers of Byways.

The Committee noted that the Local Highways Authority had raised no concerns with the scheme, although they were concerned with the increasing number of dwellings along Barcham Road and the stress it would place on the limited infrastructure in place in the locality.

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With regard to the planning balance, it was considered that the benefit of one new dwelling would be outweighed by the significant and demonstrable harm created by placing an additional dwelling within an unsustainable location. The application was therefore recommended for refusal.

Councillor Rouse reiterated that each application was judged on its own merits and he could see no reason to refuse the proposal. He did not believe it would cause demonstrable harm and there was work in the locality, so it was not totally unsustainable. He was therefore minded to go against the recommendation for refusal.

Councillor Beckett agreed with the majority of Councillor Rouse's comments, but was concerned that an increase in the number of dwellings would see an increase in the number of people using the road. He questioned how many was too many, and said he had significant concerns regarding the highways issues.

Councillor Cox agreed in principle with Councillor Rouse and said he did not think that one dwelling would have a significant impact on the level of traffic.

The Chairman restated the point about each application being judged on its own merits, and said he also did not think this proposal would have a demonstrably harmful impact. There had been a number of applications for Barcham just recently, but Barcham was not allocated in the emerging Local Plan.

It was duly proposed by Councillor Rouse and seconded by Councillor Austen that the Officer's recommendation for refusal be rejected. When put to the vote,

It was resolved:

That planning application 17/00958/FUL be APPROVED for the following reason:

- Members do not believe that the scheme will cause significant and demonstrable harm.

It was further resolved:

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

#### **46. PLANNING PERFORMANCE REPORT – JUNE 2017**

The Planning Manager presented a report (S77, previously circulated) which summarised the planning performance figures for June 2017.

Members noted that the Planning department had received a total of 217 applications during June, which was a 66% increase on June 2016.

The Planning Manager said the Planning team was working extremely hard and she wished her thanks to be put on record. She also wanted to say

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“thank you” to those Officers in other departments within the Authority who were affected by the knock on effect of the current high volume of planning applications.

The Chairman requested that the Council’s internal media team publicise his congratulations to the Planning Manager and her team on their hard work.

Councillor Rouse concurred, adding that Committee was being kept very busy but the meetings could not be rushed. He expressed his appreciation to Officers for producing fair and balanced reports. Whereupon,

It was resolved:

That the Planning Performance Report for June 2017 be noted.

The meeting closed at 4.17pm