

## APPENDIX 3

### **EXTRACT TAKEN FROM ECDC PLANNING COMMITTEE MINUTES FOR THE MEETING HELD ON WEDNESDAY, 7<sup>TH</sup> AUGUST 2019**

21. **18/01435/OUM – SITE EAST OF CLARE HOUSE STABLES,  
STETCHWORTH ROAD, DULLINGHAM**

Andrew Phillips, Planning Team Leader, presented a report (reference U45, previously circulated) from which Members were asked to consider an outline application for up to 41 dwellings, with public open space and associated infrastructure. In addition, the developer was proposing a B1 and D1 use space.

*(Councillor Downey left the Chamber at 2.55pm and returned at 2.57pm.)*

The only detail for which agreement was being sought at this stage was the access onto Stetchworth Road; all other matters were reserved. The application had been amended several times and additional information was provided to overcome the concerns listed in paragraph 2.2 of the Officer's report.

Members were asked to note the following updates in respect of the application:

- The comments from Councillor Starkey were joint comments with Councillor Sharp;
- In paragraph 7.23, the reference to 3 bedroom affordable housing should read **4** dwellings, not 8. The S106 Agreement would ensure 30% affordable housing; and
- The Public Right of Way contribution would be negotiated as part of the S106.

The site was located outside of the village framework on a slope that rose to the north and it was currently used as paddock/grazing land. To the south of the site was the public highway and a drainage ditch. Residential cul de sacs were located to the south-east and the existing stables were to the west of the site. The Kettlefields primary school was to the north-east and the Grade 1 Listed Church, (St Mary's) was located to the south.

It was noted that the application had been called in to Committee by former District Councillor Chris Morris, due to the concerns raised by the Parish Council.

A number of illustrations were displayed at the meeting, including a map, aerial view, the access road plan, the indicative 'Gold Standard' Ecology layout, and an indicative Masterplan.

The main considerations in the determination of the applications were:

- Principle of Development;
- Housing Mix;
- Economic Sustainability;
- Residential Amenity;
- Visual Impact;
- Historic Environment;
- Highways and Parking;
- Ecology;
- Flood Risk and Drainage; and
- Infrastructure/S106/CIL.

Members noted that the Council could only demonstrate 3.7 years of housing supply and therefore any policy that restricted housing had to be carefully judged on the grounds of tilted balance as covered in paragraph 11 of the NPPF.

The proposal was a mixed use development in close proximity to the village; it was considered to be in a relatively sustainable location and would provide much needed housing.

The Planning Team Leader reminded Members that at this stage the housing mix was only indicative. The proposal was seeking to provide a large proportion of the dwellings to be bungalows, and half of these to be for the over 55's.

Policy HOU3 required affordable housing in Dullingham to be at least 40%, but 30% affordable housing was accepted as the viable provision in this settlement, due to an independent report on behalf of ECDC. This would be secured as part of the S106. The over 55 bungalows were currently being controlled by condition, though this might end being included in the S106 Agreement

With regard to economic sustainability, it was acknowledged and accepted that the horse racing industry (HRI) was of great importance within the District and was supported in adopted policy. The proposal would lead to the loss of approximately  $\frac{1}{3}$  of the paddock land of Clare House Stables. This would likely reduce the economic potential for the stables and would reduce the maximum number of horses that the stables would be likely to be able to keep. However, sufficient land remained for a stable business to be productive and it was considered that the proposal would cause only minor to moderate harm to the existing paddock/stables of Clare House Stables.

It was noted that the Newmarket horse racing industry had grown even with this site being out of intensive use since 2008. While the proposal was in some conflict with Policy EMP6, it could not be considered to lead to an adverse impact upon the stables as the remainder of the site could still be put to practical use and benefit the equine industry. The public benefit in providing much needed housing, including affordable housing, was considered to outweigh the level of harm to the existing stable/equine use.

The proposed B1a and D1 uses were considered to comply with policies EMP3 and COM4 of the adopted Local Plan

Speaking of residential amenity, the Planning Team Leader reiterated that scale was not part of this outline consent. A design could be achieved at the Reserved Matters stage that preserved and protected residential amenity. Conditions could be added in connection with potential contamination and requiring the developer to submit a Construction Environmental Management Plan.

The gross density of the site was approximately 7.3 dwellings per hectare or 3 dwellings per acre and net density to be approximately 14 dwellings per hectare or 5 – 6 dwellings per acre; this was considered to be very low but appropriate for an edge of village location. The surrounding area benefitted from several cul-de-sacs and the development would be visually contained within the nearby built form. The proposal would need to preserve the character of the

Public Rights of Way as it was considered that the scheme would have an urbanising impact although it would maintain large areas of public open space. This would allow green fingers to remain within the development and connect to the public footpaths. In order to achieve a suitable design, the number of dwellings might need to be reduced in any reserved matters submission.

The proposal was adjacent to the Conservation Area and the views of the tower of the Grade 1 Listed Building of St Mary's Church were considered to be of significant importance. The layout, scale and appearance of the scheme would require careful design to ensure less than substantial harm at the Reserved Matters stage and each matter would need to be supported by a Heritage Statement. The dwellings to the north of the site would very likely need to keep a low ridge height. It was also expected that the affordable housing should be tenure blind.

The Local Highways Authority and the Transport Team had no objections to the proposal, subject to conditions. It was expected that there would be at least two parking spaces per dwelling and sufficient visitor spaces; in addition each dwelling should include space for secure cycle storage. It was considered that the relatively low number of dwellings would have any significant impact upon traffic flow.

The Committee noted that the developer had not undertaken all the necessary ecological surveys but was mitigating and enhancing on all potential biodiversity. This was known as the 'Gold Standard' and required a far greater level of mitigation and enhancement than might have been needed if all the relevant surveys had been conducted upfront. It was also fundamental to allow species to safely transverse the site. Indicative landscape plans had also submitted and these could be conditioned.

The latest documents submitted by the applicant had been accepted by the Lead Local Flood Authority (LLFA), subject to the following recommended conditions: provision of a pond, permeable paving in certain areas of the site, and swales and attenuation tanks to ensure the surface water was managed. The indicative site layout showed that it was possible to keep the proposed development outside of the area at risk of flooding, as well as ensuring the more vulnerable users were kept on the higher levels.

In connection with infrastructure and S106, it was noted that Anglian Water had confirmed capacity in the sewer network to accommodate and treat

the development's foul water. A condition would be attached to ensure appropriate connection.

The developer and County Council were in agreement regarding the level of contribution (£256,663 plus indexation) needed for secondary school provision; the developer had offered land for Kettlesfield Primary School, but the County Council did not need it. Therefore no planning weight should be given to its provision.

The S106 would need to include long term management of public open space and water management, and also secure the provision of affordable housing.

The developer was required to pay the Community Infrastructure Levy (CIL); paragraph 7.102 of the Officer's report detailed items on the Council's Regulation 123 list for which the money could be used. In addition the Parish would receive 15% of any CIL money collected from the development to improve its local infrastructure.

The Planning Team Leader concluded his presentation by saying that the proposal was considered to be acceptable, subject to the recommended conditions and the completion of a S106. There would be minor to moderate harm to the equine industry and drainage and ecology would be improved within the local area. The public benefits outweighed the harm and the application was therefore recommended for approval.

At the invitation of the Chairman, Ms Sarah Mardon addressed the Committee and made the following remarks:

- She was speaking on behalf of the village;
- Up to 2015 there had been 308 houses plus infill. With the loss of the Local Plan there had been 10 houses completed and 6 infill properties as well as 27 other dwellings being discussed, representing an increase of 13%. This development would see that rise by another 25% and the village and its infrastructure could not take the increase;
- The Kings Head junction was dangerous and with the level of traffic using Station Road, there would be traffic jams;

- The trains to Cambridge from Dullingham are normally full and it would be a 35 minute walk from the development to the station. Alternative routes were not viable between 8.30am and 9.00am because of people taking children to school. The nursery staff parked at the Ellesmere centre;
- Buses were virtually non-existent;
- The site did not satisfy the criteria for infill as it was outside the development envelope and it would change the character and setting of the village;
- The site was a stud and had the potential for full animal related use. Building on it would change this and the Newmarket Horseman's Group felt that it should be marketed as an equine enterprise, as the site has been moth balled;
- Stetchworth Road already suffered from serious flooding, with polluted water ending up in gardens and there was not sufficient capacity to deal with the sewerage;
- The residents of Dullingham felt very strongly about this application and this was evident from the number of objections received.

At the invitation of the Chairman, Mrs Kathryn Slater, agent, addressed the Committee and made the following points:

- The proposal would deliver up to 41 homes and community space;
- The site was outside the development framework, but the Authority could not currently demonstrate a 5 year supply of land for housing;
- There would be no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal
- Dullingham was a medium sized village and had a school, a train station and was close to other settlements;
- The development site was adjacent to the village framework;
- EMP6 was relevant and set out the Council's approach, but it did not impose a blanket ban. A Horse Racing Industry assessment had been submitted and it concluded that the proposal would have no impact on the industry;

- All the stables and the access were to be retained and the remaining land was large enough for horse racing activities;
- The horse racing industry had increased during the time the application site was not in use and therefore the proposal would not threaten its viability;
- There had been no objections from the statutory consultees;
- The scheme would bring substantial benefits including housing for the over 55's, market and affordable housing and provision for small businesses or the community use building as well as biodiversity enhancements to the site. The balance in favour of approval had been triggered and Members were urged to accept the Officer's recommendation.

Mrs Slater then responded to comments and questions from the Committee.

Councillor Brown asked if there had been any effort to market the site for use in the HRI. Mrs Slater replied that it had not and there was no requirement within the policy to do so. Councillor Brown then asked about the plans for the parcel of land that had been offered to the County Council and was informed that there were no proposals and would remain undeveloped.

Councillor Trapp noted that it was proposed to have 250 square metres of commercial units and he wondered to what use they might be put. Mrs Slater said it could be for offices or community use, but there was some flexibility.

Referring to Policy EMP6, Councillor Schumann said that with the Newmarket racing industry being so vast, it was unlikely that the loss of this stud would have an impact. However, its loss might lead to the loss of other small studs, which could then lead to an impact. Mrs Slater replied that the Policy was in two parts and it was necessary to look at each site on this basis. There would be sufficient land retained in the future for it to be used in the racing industry and there was no talk of subsequent loss. There was a whole range of sizes of studs and evidence suggested that a use could be found for this one.

Councillor Huffer enquired about the current use of the site and Mrs Slater replied that it was in private equine use. Councillor Huffer contended that the remaining 10 hectares would support only 12 – 15 horses and that the stud would need 20 -25 horses for it to be viable. Mrs Slater reminded her that the evidence had been assessed by Officers.

At the invitation of the Chairman, Ms Samantha Boyd addressed the Committee and made the following comments:

- She was an Associate Planner and was speaking on behalf of Dullingham Parish Council;
- The Parish Council had objected on numerous occasions;
- It was accepted that the Council did not have a 5 year land supply, but the NPPF advised that applications should not be approved if the adverse impacts significantly and demonstrably outweighed the benefits;
- The Local Plan said that Dullingham was likely to grow at a slow rate and development outside the envelope should only be allowed in exceptional circumstances - this was not;
- The site was an unsustainable location and the existing facilities would not meet the needs of the new residents. There was no shop or doctors and there were limited employment opportunities, train services were not regular and the buses were infrequent. People relied on their cars for the majority of journeys, so there would be increased traffic on the roads;
- Paragraph 103 of the NPPF stated that development should be focused on sustainable locations and this application was not meeting that core objective;
- A Travel Plan should have been submitted with the application;
- The development would have a harmful effect and extend out into the countryside. It would be prominent and have an urbanising effect on the village;
- An LVIA had been submitted by the applicant, but the Council did not have a specialist Landscape Officer in-house and one should have been employed.

*At this point, the Chairman advised Ms Boyd that she would have to stop as she had exhausted her 5 minutes of speaking time.*

At the invitation of the Chairman, Councillor Alan Sharp, a Ward Member for Woodditton, addressed the Committee and made the following points:



- The village was not opposed to suitable development, but a 15% increase in houses was quite substantial;
- He had spoken to the Parish Council about a Community Land Trust;
- He had a number of points, the first regarding water. There had been flooding in the area and on 5<sup>th</sup> April the Environment Agency said the sewer pipe could be operating at capacity. Part of the site was in Flood Zone 3, and with 41 houses and commercial units, water retention would be put to the limit. The LLFA had removed its objections on 20<sup>th</sup> March 2019, but he had issues with this;
- With regard to transport, it seemed to him that Highways never objected. Stetchworth Road had blind bends, and with parked cars and the increase in traffic, it would cause issues. The Kings Head junction had poor visibility and was dangerous. Many of the houses on Station Road were built long before there were cars and residents therefore had to park on the road. It was used as a run from the A11 and the station and there were blind bends which made the road dangerous;
- The station was full up by 8.00am and since a charge was now made to use the car park, people were parking on the S bends;
- There was a danger that the views of the Grade 1 Listed St Mary's Church would be affected;
- He took the cynical view that just because the site had not been marketed for equine use, it was not to say that it was not needed.

In response to a question from Councillor Downey regarding affordable housing, Councillor Sharp said there were other sites in the village. Councillor Trapp asked him about the relevance of development at Bottisham and Councillor Sharp said there was an inference that the south of the District was not taking enough housing; he felt there was a lot of banking of the land supply.

The Planning Team Leader reminded Members that the application had been independently assessed as a viable equine business and what the Adopted Local Plan stated about land required per horse. He reminded Members that from memory, in previous decisions Inspectors had commented that there was no set percentage increase limit for villages; it was the impact that must be assessed. In connection with affordable housing, he said that if Members were minded to grant approval, they could impose a condition requiring local people to be given priority.

Councillor Downey said he had difficulty in understanding how the application complied with Policy HOU3, which required 40% affordable housing in Dullingham, when the proposal would only provide 30%. The Planning Manager explained that the policy within the Local Plan could not be changed as it was an adopted policy. However, the Submitted Local Plan which had been withdrawn, specified a lower percentage of affordable housing, based on a viability assessment carried out by this Council. Following the withdrawal of the Submitted Local Plan a further was carried out and the findings showed that the viable position was 30% for the District, and 20% in Littleport and Soham. Therefore if a scheme complied with the viability report the Council was not requesting further viability testing. Paragraph 7.26 of the report explained the current position. The Planning Manager agreed that the report wording should not state that the proposal complied with Policy HOU3 as the 40% was not being provided, but that the proposal complied with the independent viability report produced for this Council.

Councillor Wilson thought that affordable housing was always at the bottom of the list and he believed the landowner should suffer the viability loss. However, the Committee had to go with what was in place and there should be a comment somewhere regarding this. The Planning Manager reiterated that she could not amend the policy as it was adopted, but she would raise it with Strategic Planning and provide Members with a link to the viability report which was available to view on the Council's website.

Councillor Huffer said the impact of the development on the paddock and would be irreversible and Members needed to protect open spaces.

Councillor Downey declared himself to be in two minds about the application, as housing was needed and the Council did not have a 5 year supply. However, he was loathe to support something that did not comply with affordable housing policy.

Councillor Trapp said he was not supportive of the scheme in its current state. He was well aware of the transport difficulties, the development looked overcrowded and it was a heavy density for the village.

Councillor Wilson commented that if Members refused the application, there would be no affordable housing. It was not as good as he would wish to see, but some affordable housing was better than none and he was therefore inclined to support the Officer's recommendation. He also commented that most

villages did not have a station and Dullingham does. With it only being an outline application, the full application could come back to Committee for discussion.

The point was also made that if planning permission was refused and the application was appealed, the Authority could potentially be liable for costs and the Committee did not have the budget for this.

The Chairman asked the Planning Manager if it would be in order to grant outline permission and bring the Reserved Matters application back to Committee; she confirmed that it would.

Councillor Schumann said he was somewhat 'on the fence', as he represented areas that had taken 30 – 40% growth. Vistas and views were important and this development would fundamentally change the area for ever. However, if the proposal was refused on that basis, there would never be any development and it would be a struggle to build anything in the south of the District. He was therefore minded to support the recommendation for approval, but with the Reserved Matters being brought back to Committee.

Councillor Ambrose Smith commented that they built on agricultural land in Littleport, so what was the difference with building on stud land here.

It was duly proposed by Councillor Schumann and seconded by Councillor Ambrose Smith that the Officer's recommendation for approval be supported. When put to the vote, the motion was declared carried, there being 8 votes for and 3 votes against.

It was resolved:

That planning application reference 18/01435/OUM be APPROVED subject to the signing of the S106 Agreement and the recommended conditions, with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission.

It was further resolved:

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