



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, 1<sup>st</sup> November 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 Mark Goldsack  
Councillor Bill Hunt  
Councillor Mike Rouse  
Councillor Stuart Smith

### **OFFICERS**

Julie Barrow – Senior Planning Officer  
Maggie Camp – Legal Services Manager  
Barbara Greengrass – Senior Planning Officer  
Oli Haydon – Planning Officer  
Neil Horsewell – Trees Officer  
Janis Murfet – Democratic Services Officer  
Andrew Phillips – Senior Planning Officer  
Rebecca Saunt – Planning Manager

### **ALSO IN ATTENDANCE**

Councillor Peter Cresswell  
Councillor Mathew Shuter  
Approximately 24 members of the public

#### **100. APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Councillors David Chaplin and Lavinia Edwards

#### **101. DECLARATIONS OF INTEREST**

Councillor Ambrose Smith declared an interest in Agenda Item No.8 (17/01154/FUL, 32 Main Street, Littleport, CB6 1PJ), having expressed an opinion on the application at a meeting of the Parish Council.

**102. MINUTES**

Further to the minutes of the meeting held on 4<sup>th</sup> October 2017, Minute No. 87 (17/01221/OUT, Land Northeast of 37 & 38 High Street, Chippenham), the Democratic Services Officer advised the Committee of a correction on page 25. The minute should have stated that the outcome of the vote was 10 votes in favour of refusal and 1 **abstention**. The draft minutes on the Council's website and the copy to be signed by the Chairman had been corrected to reflect this. Whereupon,

It was resolved:

That the Minutes of the Planning Committee meetings held on 18<sup>th</sup> September and 4<sup>th</sup> October 2017 be confirmed as a correct record and signed by the Chairman.

**103. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- Councillor Goldsack was now a full Member of the Planning Committee, and Councillor Stubbs had become a substitute Member;
- Gareth Pritchard, Planning Officer, was leaving the Authority on 1<sup>st</sup> December. His expertise and humour would be missed, and he was wished well for the future;
- The Legal Services Manager made the following statement:

*'I just wanted to clarify for everyone present that following the last Planning committee on 4<sup>th</sup> October, Full Council approved the proposed submission Local plan on 5<sup>th</sup> October and the Council now has a 5 year housing supply.*

*The Local Plan could, of course, still change before it is adopted but this is less likely after the submission stage.*

*The National Planning Policy Framework and National Planning Guidance makes it clear that, although little or no weight can be attached to an emerging Local Plan, weight can be attached to a Local Plan which has reached the submission draft stage and this is the position which the Council is in at present.*

*This Council therefore has both a 5 year housing supply and is giving weight to those policies and allocations in the proposed submission local plan.*

*The Council is not recommending approval for anything outside the development envelope but is giving weight to allocations included*

*within the proposed submission Local Plan which forms part of the Council's 5 year housing supply.'*

**104. 16/01662/OUM – LAND ADJACENT 67 MILDENHALL ROAD, FORDHAM**

Andrew Phillips, Senior Planning Officer, presented a report (S152, previously circulated) which sought outline approval for 79 dwellings (five self builds) with access and layout to be agree at this stage. The developer was seeking to provide 40% affordable housing and a large area of open space (seeking to give it to the Parish Council, with access for school children).

This application was presented to Planning Committee on 5<sup>th</sup> April 2017 when Members resolved to delegate approval to the Planning Manager subject to the conditions and completion of a S106 legal agreement to include affordable housing, education contribution, self build and open space provision. Any minor revisions to the conditions would be delegated to the Planning Manager.

It was noted that the decision was pending as S106 negotiations were still ongoing.

Members were advised that the application had been brought back to Planning Committee due to the material change in policy following the approval by Full Council of the Proposed Submission Local Plan for its final consultation and submission to the Secretary of State for examination and the updated five year supply report which demonstrated that the Council currently had a supply of available and deliverable sites which exceeded the five year requirement.

A number of illustrations were displayed at the meeting. They included a map, an aerial image, an indicative layout of the proposal, and extracts from the Submission Local Plan document relating to the allocation FRD.M2.

The Committee noted that the key issue for consideration in the determination of this application was the change in policy. The Senior Planning Officer stated that the change still supported the proposal.

At the invitation of the Chairman, the Democratic Services Officer read out the following brief statement on behalf of Councillor Julia Huffer, a Ward Member for Fordham Villages:

*'A previous engagement prevents me from appearing before you today but I would like offer this statement for your consideration.*

*This application was approved by you earlier this year and I spoke in its favour then, my support for this application remains unchanged, the community badly needs the public open space offered by the applicant, for the young people of the community who don't play football or cricket, but who want to create their own skate park or BMX track .*

*The density of housing and layout will provide useful and appealing houses that will enhance Mildenhall Road, not blight it ! ‘*

The Chairman reminded Members that as approval had already been delegated to the Planning Manager, today they were just considering the change in policy.

It was proposed by Councillor Hunt and seconded by Councillor Rouse 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 16/01662/OUM in consultation with the Chairman or Vice Chairman, following the completion of a S106 legal agreement and the draft conditions (with any minor revisions to the conditions delegated to the Planning Manager) as set out in the Officer's report.

**105. 17/00261/OUM – LAND SOUTH OF MAIN STREET, WITCHFORD**

Barbara Greengrass, Senior Planning Officer, presented a report (S153, previously circulated) which sought outline planning permission for residential development of the site with up to 46 dwellings together with public open space, landscaping, highways and drainage infrastructure. All matters were reserved apart from means of access. The proposal was to provide for a central access point onto Main Street.

On a point of housekeeping, the Senior Planning Officer stated that the applicant had provided a document relating to educational contribution requirements and this had been circulated to Members. She reiterated that the document was for information only, and not for discussion.

It was noted that the application had been brought back to Planning Committee due to the material change in policy following the approval by Full Council of the proposed Submission Local Plan for its final consultation and submission to the Secretary of State for examination and the updated five year supply report which demonstrated that the Council currently had a supply of available and deliverable sites which exceeded the five year requirement.

A number of illustrations were displayed at the meeting, including a map, an aerial image outlining the application site, an indicative layout of the proposal, and an extract from the Submission Local Plan showing the proposal being within allocation WFD.H3.

The Committee noted that, as with the previous agenda item, the key issue for consideration in the determination of this application was the change in policy. The Senior Planning Officer stated that nothing about the

application had changed, and discussions regarding the education contribution were ongoing. The change in policy still supported the proposal.

At the invitation of the Chairman, Mr Paul Rowland, agent, addressed the Committee and made the following points:

- Members had already granted outline permission;
- The scheme remained unchanged and the application had come back to Committee to take account of the change in policy;
- The site was allocated in the draft Local Plan, and the Council had a five year supply of housing land;
- The Strategic Planning Manager had explained that the Council voted on 5<sup>th</sup> October to proceed to the next stage in preparing the Local Plan. This enabled the Authority to declare that it had a five year supply of land for housing. Speculative development which was not in accordance with the emerging Local Plan could be recommended for refusal by Planning Officers;
- There were no technical or other considerations to be resolved in relation to this application;
- The site responded positively to the proposal;
- It was CIL liable and contributions would be made;
- 30% affordable housing would be secured via a S106 agreement;
- It had been agreed in principle that contributions would be made towards education, public open space and wheelie bins;
- Discussions were ongoing regarding the educational contributions, but he was confident that they would be successfully concluded;
- The application site was now allocated in the draft Local Plan and the Council was confident that it had a five year supply of housing land. The proposal would have no adverse impacts and Members should endorse the recommendation for approval.

Councillor Hunt asked Mr Rowland to confirm whether or not a pedestrian link to Barton Close would be provided, as he noted that theoretically it would be possible to do this, but it did not appear to be proposed. Mr Rowland replied that it was not part of the application; all that was proposed was within the red line and it did not extend to a pedestrian link. Councillor Hunt then asked if there was any way to insist on a discussion taking place about providing a link. The Planning Manager responded by saying that Members could not insist on a footpath, they could only consider what was before them today.

At this point, Councillor Rouse said he felt he should declare that when he was a County Councillor, he had been a Trustee of the Needhams Charity. However, since May 2017 he was no longer a Trustee.

The Chairman reiterated that today Members were only noting the change in policy.

Councillor Beckett sought, and received assurance from the Senior Planning Officer that affordable housing would not be cut if there was a question regarding viability on the site.

It was proposed by Councillor Rouse and seconded by Councillor Beckett that the Officer's recommendation for delegated approval be supported. In seconding the motion, Councillor Beckett requested that a strong statement be made for looking at the provision of a pedestrian link. Whereupon,

It was resolved unanimously:

That the Planning Manager be given delegated authority to APPROVE planning application reference 17/00261/OUM in consultation with the Chairman or Vice Chairman, following the completion of a S106 legal agreement and the draft conditions (with any minor revisions to the conditions delegated to the Planning Manager) as set out in the Officer's report.

**106. 17/00986/FUL – LAND REAR OF CHARING CROSS, WOODDITTON ROAD, KIRTLING**

Julie Barrow, Senior Planning Officer, presented a report (S154, previously circulated) which sought consent for the construction of 7 dwellings on land to the rear of Charing Cross together with associated outbuildings, parking, boundary fencing and access driveway.

On a point of housekeeping, Members were asked to note the following:

- A number of additional comments had been received after the publication of her report. These had been circulated to the Committee Members;
- The recommendation at paragraph 1.1, the fifth line should read '*... inappropriate development **with** no justification ...*'
- Page 3, paragraph 5.1(e) should read '*... is considered to be an **overdevelopment** ...*'

The site was located outside the established development framework for Kirtling, the edge of which was located to the north east of the site where it encompassed the built form along The Street. The site was currently vacant with the documents submitted with the application referring to it as former garden land.

It was noted that the application had been called in to Planning Committee by Councillor Peter Cresswell '*In view of the strong opposition from Kirtling & Upend Parish Council and local residents, I wish to call in for determination by the Planning Committee, the application to construct 7 dwellings on land at the rear of Charing Cross, Woodditton Road, Kirtling.*'

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

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

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

Speaking of the principle of development, the Senior Planning Officer said that the Council was now able to demonstrate that it had a five year supply of land for housing and full weight could be given to the housing policies. Policy GROWTH2 and emerging policies LP1 and LP3 restricted development in the countryside so that it took place in sustainable locations and it was considered that the proposal did not meet any of the exceptions set out in the policies. With regard to the issue of infill, policy LP32 applies to medium villages, large villages and main settlements, but not to Kirtling as it was classified as a 'small' village.

In terms of visual amenity and cultural heritage, it was noted that the applicant had worked with Officers to achieve an acceptable design which would complement other approved schemes. Whilst it would alter the character of the area, the proposal was not considered to cause significant or demonstrable harm to the visual amenity of the area, and it would not cause substantial harm to the setting of the listed building, Thatched Cottage.

Members noted that the occupiers of Charing Cross and The Boot had both expressed concerns regarding the impact of the proposal on their residential amenity. The scale and positioning of the terrace of three dwellings had been amended during the course of the application. The terrace was now 15 metres from the rear elevation of Charing Cross and at this distance, it would not appear overbearing. It was also located to the north west of Charing Cross, thereby minimising any loss of light.

The proposed access and parking area for the terrace was located between the terrace and The Boot, with the latter being located approximately 20 metres from the parking area with the access road beyond. The proposed built form was not therefore considered to be overbearing or result in a significant loss of light or privacy. The separation distance was considered to be adequate to ensure that any noise or disturbance from vehicles entering and leaving the site would not have a significantly detrimental effect on the residential amenity of occupiers of The Boot.

With regard to highway safety, the LHA had stated that it would not adopt the access due to the fact that the terrace fronted onto Woodditton Road and the number of dwellings that it served would be below the required number for adoption. The applicant had confirmed that the appropriate indemnity would be given to the Council to allow refuse vehicles to enter the site. There were sufficient parking spaces on the site, and subject to conditions relating to the provision of visibility splays and prohibiting the construction of gates within 6 metres of the back edge of Woodditton Road, the LHA had no objection to the proposal.

The Senior Planning Officer stated that the site was located in Flood Zone 1. The applicant had considered drainage layout and following the submission of additional information, it was considered that an acceptable scheme could be addressed by condition.

An Ecological Assessment was submitted with the application and had been subject to amendments and additions. The report concluded that the site was considered to be of low ecological value, but there was the potential for Great Crested Newts, as their presence had been found in a pond within 100 metres of the site. It was therefore assumed that Great Crested Newts could be using the site and the scheme had been designed on this basis.

A Newt corridor was proposed, linking to a larger area of grassland and there would be improvements to the existing pond. The proposal would also include the enhancement of existing hedgerows and the incorporation of bat and bird boxes into the scheme. The Assessment made specific reference to Badgers and an earlier appraisal carried out. In 2017 there was no evidence of Badger residence on the site or immediately adjacent, and as such no impacts on setts were anticipated. It was advised that any trenches could be back-filled overnight to prevent animals falling in, or ramps provided so that they could easily climb out.

The Council was now able to demonstrate a five year supply of land for housing and while the proposal would add seven dwellings to the District's housing stock, the application site was located outside the defined development envelope for Kirtling. The scheme did not meet any of the rural exceptions for development in the countryside and it was therefore considered to be unacceptable in principle. On this basis the application was recommended for refusal.

At the invitation of the Chairman, Mrs Tracey Button, a representative of the Resident's Group, addressed the Committee and made the following points:

- Her property was adjacent to the site;
- The application was contrary to a number of policies;
- It was backland development and contrary to Policy LP32;



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- The appeal relating to Chapel Lane was refused on these grounds;
- The development should complement this historic village, but it would not as it was of a modern design. It would be overbearing and cause loss of light and privacy;
- Any benefit would be outweighed by harm to biodiversity and ecology;
- It would not be sustainable because the village had limited infrastructure and the dwellings would be outside the village envelope, with no pavement, street lighting and poor road connections;
- Such developments were not normally permitted unless there were exceptional circumstances;
- The Council could now show it had a five year supply of housing land. 21 applications had already been approved but they had yet to be built in the village in the last 2 years;
- A proliferation of small scale developments would erode the character of the village. This application should be refused.

At the invitation of the Chairman, Ms Katie Thornburrow, agent, and Mr Henry Broughton, supporter, each addressed the Committee and made the following comments:

#### Ms Thornburrow:

- The application was in compliance with the 2015 Local Plan and the draft Local Plan (although not yet released) and the NPPF and therefore the application should be determined in accordance with the Plan;
- The previous application was withdrawn for ecology reasons and to allow a re-design;
- The key consideration was sustainability;
- London Lifetime Homes standards would be used for this scheme and the end result would be a scheme that met all requirements;
- The 2015 Local Plan was now out of date and the proposed 2017 Plan had not yet been tested;
- The report showed the need for housing in East Cambridgeshire and this site was compliant. The NPPG states that if there are no significant constraints sites not allocated should be considered as being deliverable.

Mr Broughton:

- People could not afford housing in Kirtling;
- This development of 7 dwellings would bring vibrancy to the village;
- The design was uncontroversial and simple, and would not harm the infrastructure;
- Members should approve the development because it would cause no demonstrable harm.

The Chairman remarked that the case would have come to Committee earlier, but the plans were found to be incorrect. Ms Thornburrow responded by saying that the major redesign had taken time and effort; the application was submitted on 25<sup>th</sup> September and the Case Officer needed time to assess it.

At the invitation of the Chairman, Parish Councillor Rick Rickcord, Kirtling & Upend Parish Council, addressed the Committee and made the following points:

- The Parish Council was opposed to this application, even in its revised form;
- The proposal would have an adverse impact on the street scene;
- It was overdevelopment and non-linear backfill. The three terraced dwellings fronting the road would be out of keeping as mainly linear detached properties;
- The development would drastically change the village for the worse, and might set an unwelcome precedent;
- Development at the heart of the village needed to be sympathetic, but this would overwhelm it;
- The applications already approved represented a 15-30% growth in population;
- It was not the right time to go ahead with this development;
- If the Ecological Assessment had been carried out 12 months ago, opinion would have been different. However, he believed the biodiversity features proposed were inadequate;
- The Parish Council understood the needs of the Local Plan and development in the village, but did not support this application.

In response to a question from Councillor Ambrose Smith, Councillor Rickcord stated that none of the 19 approved sites in the village would include affordable housing. He believed the village needed affordable dwellings, but this scheme would not provide it.

The Chairman asked the Senior Planning Officer to clarify the situation regarding the plans for the proposal. The Senior Planning Officer explained that she had to work to a timetable for the publication of her report, and she still had not received the plans once that deadline was reached. The Planning Manager added that she had spoken to the architects on 21st September to request plans no later than the 25<sup>th</sup> September to ensure it went to October's Committee. However, when the plans were received, they were still incorrect. Officers had worked hard to try and get this to October's Committee but it was just not possible.

In proposing that the Officer's recommendation for refusal be supported, Councillor Hunt said he had no wish to belittle any of the comments made, but today was an important day for the Committee. The Authority now had a new Local Plan and it was essential that Members took account of it. He believed that unless the application conformed to the criteria, it was only right and proper to refuse it. He also wished for a number of other reasons to be added to the refusal.

Councillor Rouse said he had great sympathy for the applicant as he thought this to be a nice scheme. It had been two years in the making, but unfortunately it had come to Committee a month too late.

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

It was resolved unanimously:

That planning application 17/00986/FUL be REFUSED for the reasons given in the Officer's report, and for the following additional reasons:

- Members believe it will cause a loss of amenity to the adjacent properties;
- It will have a significant negative impact on the village of Kirtling, both visually and environmentally;
- It will set an unwelcome precedent to the village, and
- It will significantly change the street scene.

**107. 17/01154/FUL – 32 MAIN STREET, LITTLEPORT, CB6 1PJ**

Andrew Phillips, Senior Planning Officer, presented a report (S155, previously circulated) which sought planning permission for the construction of a two storey dwelling to house one 2 bedroom flat and one 1 bedroom flat (one on ground floor and one on first floor), with individual courtyard amenity space.

The application was a resubmission of a previously refused application on the site for two flats (17/00205/FUL).

On a point of housekeeping, Members were asked to note that comments received from Historic England were tabled at the meeting, which supported the recommendation for refusal.

The site was located within the town centre boundary of Littleport, and within the Conservation Area. To the south of the site was 32 Main Street which housed 5 flats, to the east was Globe Lane with residential dwellings fronting the road, to the north was a single storey building used as a community church, and to the west was a pub car park. The site was tarmacked and currently used as parking for the residents of 32 Main Street and it was under the same ownership as the application site.

It was noted that the application had been called in to Planning Committee by Councillor David Ambrose Smith due to public interest, and to provide guidance for future developments of this kind in Littleport.

A number of illustrations were displayed at the meeting, including a map, an aerial image, the layout of the proposal, elevations and floor plans, and a photograph of the street scene.

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

- Principle of Development;
- Visual Amenity;
- Historic Environment;
- Residential Amenity; and
- Highway Safety/Parking.

In connection with the principle of development, Members noted that as the proposal was within the village envelope of Littleport the provision of two dwellings was considered to be acceptable.

The Conservation Officer noted that the orientation of the building was not in keeping with the general pattern along Globe Lane, and that the scheme appeared to be overdevelopment of the site. These were likely to cause harm to the significance of the Conservation Area and a slide illustrated how the proposal would appear cramped within the location. Historic England's comments supported these points.

Speaking next of residential amenity, the Senior Planning Officer stated that the proposed plot size was significantly below that recommended as a minimum in the East Cambridgeshire Design Guide. The outside courtyard space was also below that recommended in the Design Guide, and as such, the courtyard areas were therefore considered too small and undesirable for use as amenity space. Bedroom 2 in the first floor flat had no easy escape route in the event of a fire, and Environmental Health Officers had raised concerns regarding the location of windows in the elevations facing towards The Crown Pub.

At this point, the Senior Planning Officer asked Members to note an amendment to the first reason for refusal in paragraph 1.1 (1) of his report; it should now read '*The windows serving **bedroom 1** and the living room ...*'

In terms of highways safety and parking, the proposal for one parking space per dwelling met with policy. The Local Highways Authority raised no objections in principle to the scheme.

The Senior Planning Officer concluded by stating that it was considered that the proposal would cause significant and demonstrable harm to the future occupiers due to the cramped conditions of each flat and potential privacy impingement. The proposal would cause harm to the Conservation Area by virtue of appearing as out of keeping with Globe Lane and as overdevelopment of the plot. The scheme would also interrupt key views from Globe Lane of the Grade II\* listed St George's Church. Members were therefore recommended to refuse the application.

At the invitation of the Chairman, Mr Paul Sutton, agent, addressed the Committee and made the following comments:

- He believed the Officer's recommendation was based on an erroneous interpretation of the Design Guide, thinking that the scheme would be cramped;
- The plot sizes and private amenity space referred to houses, not flats;
- 9 flats in Bottisham had been approved, but they had no private amenity space;
- Residential phases of the Highflyer development had no rear amenity space, only parking;
- The application included a modest amount of amenity space, and this should be applauded;
- Comments about the windows did not stand up to scrutiny;
- The harm stated in reason No.2 of the recommendation was misplaced. The proposals would enhance the character of the old bank building;
- The tower of St George's Church would still be visible;
- Because there was a shortage of flats in Littleport, they were in considerable demand, especially near the High Street;
- The reasons for refusal did not stand up to scrutiny and the application should be approved.

Councillor Smith asked the Senior Planning Officer to clarify the position regarding plot sizes. He was advised that the Design Guide was exactly that, a guide to be used to work out whether something was cramped. It would be for Members to decide if the Guide was to apply to flats.

In response to a question from the Chairman, the Senior Planning Officer agreed that the term 'cramped and contrived' was subjective.

Councillor Cox asked for clarification regarding the precise parking requirements, as he had concerns that what was proposed was not sufficient. The Senior Planning Officer informed him that there would be one space per existing dwelling and one per new dwelling.

Councillor Goldsack enquired whether it was one parking space per dwelling regardless of the number of bedrooms and the Senior Planning Officer replied that a balanced view had to be taken. The Chairman said that there would be one parking space per dwelling for city centre locations and the Planning Manager confirmed that this was to accord with policy.

Councillor Beckett said that having visited the site today, he agreed with the Officer that it was cramped and the scheme was overdevelopment. There was a magnificent view of St George's Church and he did not think there was sufficient room to accommodate the proposal.

Councillor Hunt reminded the Committee that this was an historic part of Littleport in the centre of the village. He believed it to be a rather mean proposal, saying it was 'poked in', and it would not do the area justice. He would support the recommendation for refusal.

Councillor Rouse noted that the proposal did not follow the form of Globe Lane, and Councillor Goldsack commented that there appeared to be an obvious loss of parking for existing residents.

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

It was resolved unanimously:

That planning application reference 17/01154/FUL be REFUSED for the reasons given in the Officer's report.

*There was a comfort break between 3.20pm and 3.28pm.*

**108. 17/01257/FUL – SITE REAR OF 38 HIGH STREET, CHIPPENHAM**

Oli Haydon, Planning Officer, presented a report (S156, previously circulated) which sought consent for the construction of two detached dwellings with associated parking and access. The site currently had an extant permission for a single detached dwelling, approved in May 2016.

On a point of housekeeping, Members were asked to note that an archaeological investigation had been conducted and the County Council had stated that no further investigations were required. In the light of this, condition no.14 would be removed if permission was to be granted.

Referring to paragraph 7.2.5 of his report, the Planning Officer stated that the separation distance had been measured from the front elevations to the middle of the road.

The site was located within the defined development envelope for Chippenham and in Chippenham Conservation Area. It comprised vacant

land adjacent to a modest dwelling fronting the High Street. It was located at the entrance to the residential development of Scotland End, and was opposite Chippenham Village Hall.

It was noted that the application had been called in to Planning Committee by Councillor Julia Huffer as there was a lot of local concern regarding this site and the neighbouring proposal.

A number of illustrations were displayed at the meeting. They included a map, an aerial image, the layout of the proposal, elevations, and a photograph of the street scene.

Members were reminded that the key issues for consideration in the determination of this application were:

- Principle of Development;
- Visual Amenity;
- Residential Amenity;
- Highway Safety; and
- Historic Environment.

The application site was located within the defined development envelope for Chippenham where the principle of residential development was considered acceptable.

It was considered that the proposal was contained within the built form of the village and would not constitute an unacceptable encroachment into the countryside. A precedent had already been set with approval being granted for a single dwelling in May 2016. The scheme would not appear contrary to the architectural traditions of the vicinity, as there was not a concurrent design trend in the immediate area.

In terms of residential amenity, the proposal provided sufficient amenity space and separation distances were considered to be acceptable. The existing approval had an element of overlooking, but this was not considered to be significant and demonstrable enough to warrant refusal of the application.

The Committee noted that no concerns had been raised by the Local Highways Authority. There would be two parking spaces for each dwelling, in tandem orientation, with access onto Scotland End. While the 2017 Proposed Submission Local Plan stated that tandem parking should be avoided, it was considered in these circumstances that the previous approval on the site considered tandem parking to be acceptable and it would avoid the prevalence of vehicles covering the front elevations within this Conservation Area site.

The Planning Officer reiterated that issues with village hall parking and on-street parking were not a matter for the Local Planning Authority and held no weight in the determination of this application.

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Members were reminded that the site was wholly within the Chippenham Conservation Area and in the vicinity of two listed buildings. The Conservation Officer had raised no concerns and considered that the amended proposal was much more of an appropriate design and responded to the surrounding area. Additional weight was added in support of the scheme by the existing permission on the site (15/00916/FUL) for a single detached dwelling of a similar appearance, layout and scale.

With regard to other material matters, a landscaping scheme and tree protection plan would be secured by condition. The site was assessed as having a minimal biodiversity potential but any improvements would also be secured by condition.

At the invitation of the Chairman, Mrs Doyle and Mrs Grant each addressed the Committee and made the following remarks:

#### Mrs Doyle:

- She had lived at Scotland End for 22 years. She was not against infill but this was unsuitable;
- There was no safe access to the site and it would be a danger to drivers and pedestrians;
- The Council was not following its own guidance with regards to tandem parking;
- The density of the scheme would be twice that of Scotland End;
- A single dwelling would be more appropriate;
- The proposal was overbearing and would impact on nearby residents and lead to the demolition of the rear of the existing dwelling to make space for the development;
- The proposed visibility splays cross over one another;
- The proposal would involve the demolition of the adjacent dwelling.

#### Mrs Grant:

- Hers was a four car family and they all relied on their cars;
- The residents of the proposed development would have to move cars to get bins out;
- The Village Hall car park was very busy and was in use every day
- 3 extra driveways with tandem parking was dangerous;
- The 2017 Local Plan recommended that tandem parking should be avoided, so why recommend it ?
- Her objections were purely about safety at Scotland End.



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

- He thanked the Case Officer for a very comprehensive report;
- He wished to allay any fears regarding the right of access. He had seen the title deeds and they showed access to the site;
- The Local Highways Authority have raised no objections and inadequate parking at the Village Hall was not for consideration as part of this application. The Village Hall should consider it as a matter for their housekeeping;
- There would be sufficient capacity to have 4 parking spaces for each property;
- The archaeological survey was approved by the County Council and no consent was required;
- He fully agreed with the Officer's recommendation for approval.

Councillor Goldsack noted that the application site was large enough not to have tandem parking and he wondered why it was included in the application. Mr Palmer replied that there had been other proposals but they were withdrawn; he had discussed the matter with the Planning Manager and tandem parking was deemed not to be inappropriate.

Councillor Beckett said the Proposed Submission Local Plan did not want to see tandem parking, but Mr Palmer thought it said that it stated 'ideally' it should not be tandem. The Planning Manager confirmed that Mr Palmer was correct, but that Members could make up their own minds on this issue. She reiterated that the existing permission had tandem parking.

At the invitation of the Chairman, Parish Councillor Nick Parsons, Chairman of Chippenham Parish Council, addressed the Committee and made the following points:

- Regarding tandem parking, the driveway for the previous application was much longer;
- The Parish Council objected to the application;
- They disagreed with the LHA in that they believed there were road safety issues. There was also a safety issue with the recycling centre;
- 54 cars from Scotland End used the road as a right of way and it could be difficult to get out at the junction;
- Safe access to the Village Hall would be impacted;
- The entrance to Scotland End was already a busy junction and additional traffic would exacerbate the situation;
- Visitors to existing properties had to park on the bend;

- The Parish Council supported infill development, but this proposal was not in keeping

In response to questions from Councillors Hunt and Beckett, Councillor Parsons confirmed that there were 22 houses in Scotland End, and that the Parish Council owned the Village Hall car park.

At the invitation of the Chairman, the Democratic Services Officer read out the following brief statement on behalf of Councillor Julia Huffer, a Ward Member for Fordham Villages:

*'A previous engagement prevents me from appearing before you today but I have requested that the following statement be read out:*

*This application has caused much disquiet amongst the residents of Chippenham. Once again this is a case of the local people knowing their village better than the highways department or our own excellent Planning Officer. This particular location is known for traffic and parking issues both of which seem to have been overlooked by highways and planning alike. I would ask the Committee to support the local community and refuse this application.'*

The Planning Officer confirmed that the previous decision was made by an Officer rather than the Committee and included tandem parking, and the Planning Manager stated that this was a completely new application in its own right.

Councillor Hunt said he thought the site was a bit cramped and he had concerns regarding the safety of pedestrians and road users. With the volume of traffic coming out of the junction with Scotland End, cars should not be permitted to back out onto the road and there should be no tandem parking. For these reasons he was minded to go against the Officer's recommendation.

Councillor Rouse concurred; he too did not like tandem parking, and he thought the proposal to be cramped and overdevelopment. With the prospect of 2 or 3 cars manoeuvring and reversing out of the site onto the road, he was concerned about parking.

Councillor Goldsack said he was no fan of tandem parking but he could see no reason why the proposal should not be deemed acceptable. Councillor Cox agreed, saying he thought the density was acceptable and the layout could be reconfigured to allow turning at the back of the houses.

Councillor Ambrose Smith commented that she lived in the centre of a village and her household had three vehicles which all came out onto a busy road. In the 40 years she had lived there she had never seen a road traffic accident or been aware of any problems.

Councillor Beckett reiterated that there were policies discouraging tandem parking. He could not understand why they should be taken notice of for one application and not for another. He thought that setting back the dwellings in the site could address the problem.

The Chairman expressed concern at the weighting of Members' argument, because it seemed to give significant weight against tandem parking. He reminded the Committee that approval had already been granted for a 4 bed dwelling and the added extra impact of this scheme would be 2-3 cars.

Councillor Hunt proposed that the Officer's recommendation for approval be rejected and that the application be refused. He had concerns about the safety of pedestrians and road users, as cars would be reversing out of the site onto a busy road near another junction. He also believed the proposal to be overdevelopment.

Councillor Rouse seconded the motion for refusal and when put to the vote, it was declared carried, there being 5 votes for and 4 votes against.

It was resolved:

That planning application reference 17/01257/FUL be REFUSED for the following reasons:

- Members have concerns regarding highways safety, including pedestrians and road users;
- Members have concerns regarding the proposed tandem parking; and
- Members believe the proposal to be overdevelopment.

**109. 17/01258/FUL – 38 HIGH STREET, CHIPPENHAM, CB7 5PR**

Oli Haydon, Planning Officer, presented a report (S157, previously circulated) which sought consent for the extension of the existing dwelling at 38 High Street. The extensions comprised major works to the appearance and layout of the dwelling including two storey gable end side extensions and a new single carport to the rear.

The site was located within the defined development envelope for Chippenham and in Chippenham Conservation Area. It comprised a detached modest dwelling with a vacant plot to the rear. The site was located on the corner of Scotland End and High Street, and was opposite the Grade II listed buildings at 36 High Street and Manor Farmhouse.

It was noted that the application had been called in to Planning Committee by Councillor Julia Huffer as there was a lot of local concern regarding this site and the neighbouring proposal.

A number of illustrations were displayed at the meeting. They included a map, an aerial image, the layout and elevations of the proposal and a photograph of the street scene.

The Committee was reminded that the key considerations in the determination of this application were:

- Principle of Development;
- Visual Amenity;

- Residential Amenity;
- Highway Safety; and
- Historic Environment.

The Planning Officer stated that the site was located within the defined development envelope for Chippenham where the principle of development was acceptable.

The core of the dwelling would remain albeit redesigned to create a new aesthetic, and it would not appear as a dwelling with multiple extensions. The proposed extensions would have a positive relationship with the modernised neighbouring dwelling at 37 High Street and would provide sympathetic screening along the High Street comprising a high native species hedge and low picket fencing. The existing dwelling made little to no contribution to the street scene of the High Street and there was deemed to be a negligible overall impact on the street scene arising from this proposal.

With regard to residential amenity, Members noted that the scheme would provide sufficient amenity space and acceptable separation distances. The windows would be obscurely glazed on the boundaries with neighbouring dwellings and the scheme would reduce the overlooking impact of the existing dwelling.

The Planning Officer said the proposal featured two parking spaces in tandem orientation, with access onto Scotland End. The 2017 Proposed Submission Local Plan stated that tandem parking should be avoided to prevent parking spaces blocking one another, but it was considered that as the scheme was introducing parking where there was none at present, this weighed significantly in favour of the application. The scheme would allow the future occupiers of the dwelling to park off-street and alleviate the local parking concerns that had been raised by several residents.

Turning next to historic environment, it was noted that the Conservation Officer had raised no objections to the proposal. Historic England was consulted and chose to offer no comments on the scheme. The partial demolition was deemed acceptable as the dwelling made a minimal contribution to the locality and the demolition would not result in the loss of a significant heritage asset.

Speaking of other considerations, the Planning Officer said that materials would be secured by condition. He also reiterated that private legal matters regarding rights of access and covenants held no weight in the determination of this application.

At the invitation of the Chairman, Mrs Doyle and Mrs Grant each addressed the Committee and made the following remarks:

Mrs Doyle:

- A legal team had looked at the site and the applicant had no right of access as there was a covenant that no more than 24 houses would be served by the access;

- The increase in traffic would be a danger to pedestrians;
- The two splay lines in front of the existing dwellings must be kept clear. There is a covenant on them;
- The utility room should be removed;
- The access visibility crosses over to Plot 1;
- There was no need to reduce the size of the plot as the other application has now been refused;
- The density will be twice that of Scotland End and will take up more space as it will be a 4 bedroom house;
- It is not in keeping with the Conservation Area and will impact on the street scene;
- The Officer is wrong because the existing house does make a contribution to the street scene;
- Another application, which does not require demolition, should be put forward.

Mrs Grant:

- The driveway will be nearer to the junction;
- The road between Fordham and Chippenham is a 60mph speed limit and cars speed along it into the village;
- She was concerned about motorists turning into Scotland End;
- Visibility could be an issue as the utility room would be blocking the view;
- There was no safe option and injuries could be caused.

Councillor Cox found it surprising that there was such a problem with bad driving and wondered if it might be accentuated by the junction. Mrs Grant said this was a notorious spot as people drove very fast and then had to brake. Mrs Doyle said there was also a huge amount of industrial traffic using the road; it was not a normal situation. They were both members of Speed Watch and the Parish Council had tried to do something, but all they got was traffic calming in the form of white gates to the village.

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

- He wished to echo his comments on the previous application, as they were the same concerns and principles;
- This application complied with the Design Guide and there had been discussions to ensure that it would be acceptable;

- The current building was of little architectural merit;
- Two off-street tandem parking places were proposed and currently the site had no parking;
- The Local Highways Authority had no objections – surely they would have considered any road traffic accidents;
- There was no reason why the house could not have its current parking arrangements;
- Both he and the applicant were in agreement with the Officer's recommendation.

Councillor Beckett asked if putting in the driveway off the High Street had been investigated and Mr Palmer replied that the applicant had expressed a preference for it being off Scotland End. If it had been off the High Street, a turning head would have been required. There had been no objections regarding the proposals onto Scotland End.

In response to a question from Councillor Rouse, Mr Palmer confirmed that the site was owned by a partnership, but there were different applicants for each case.

At the invitation of the Chairman, Parish Councillor Nick Parsons, Chairman of Chippenham Parish Council, addressed the Committee and made the following points:

- He had previously lived in the locale for 20 years, and there had been two recorded serious accidents during that time;
- The site was originally one piece of land which had off-street parking;
- There was a safety issue in relation to the proximity of the driveway to the junction at Scotland End. The speed of the traffic was significant and cars reversing out of the site would be a safety issue;
- Where were visitors to park?
- He disagreed with the agent in that he did not like the extension in relation to the plot size. He believed it to be overdevelopment.

Councillor Rouse enquired whether there would be the same traffic issues if one was coming out of the Village Hall and into the driveway. Councillor Parsons replied there would, because the driveway was almost opposite the access to the Village Hall.

The Chairman remarked that with there being no current parking provision, vehicles would park along Scotland End and the High Street and the same potential problems would arise. Councillor Parsons replied that the speed of the traffic was dangerous. The Parish Council had applied for funding to address the issue, but this had been refused.

Councillor Cox asked if an application had been made to extend the speed limits beyond the junction, and Councillor Parson replied that the Parish Council was trying to address this.

Councillor Hunt said he appreciated what the Chairman of the Parish Council was saying but the proposal would provide parking which was not available at the moment. He believed this application to be less of an overdevelopment situation than the previous case, and while it was not ideal, he was minded to support approval of the scheme.

Councillor Rouse felt that although the site was a decent size, the scheme was piecemeal. He found it frustrating that everything seemed to be compromised and while he wished to see the site developed, he thought it was a mess.

In proposing that the Officer's recommendation for approval be supported, Councillor Beckett said he believed the application appeared to be the best part of a bad job in respect of parking. He was looking forward to see how it turned out as he believed it could enhance the street scene.

Councillor Goldsack commented that he had watched 37 being developed, it was an improvement to the area and this proposal was in keeping and would improve the street scene.

Councillor Cox seconded the motion for approval, saying the proposal had a lot to recommend it. When put to the vote,

It was resolved unanimously:

That planning application reference 17/01258/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

*Councillor Beckett left the meeting at approximately 5.00pm.*

**110. 17/01518/FUM – LAND TO REAR OF THE PADDOCKS, CHEVELEY**

Julie Barrow, Senior Planning Officer, presented a report (S158, 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.

She also introduced Ms Hillary Ellis from the Lead Local Flood Authority, who was present to answer any questions from Members.

On a point of housekeeping, Members were asked to note that the Senior Planning Officer had received a number of communications (including a video, and correspondence) since the publication of her report; this had all been circulated to Members. On 31<sup>st</sup> October she had received a request from Cambridgeshire Fire & Rescue Service asking for the Planning Manager to be given delegated authority regarding the provision of fire hydrants in the event that the application was approved. Today she had received correspondence from Mr Philip Kratz on behalf of objectors to the scheme.

It was noted that the application had been called in to Planning Committee by Councillor Peter Cresswell: *'It falls upon me to 'call in' this application for future determination by the Planning Committee. I do so for the same reasons outlined in the previous 'call in'. There was considerable opposition to the original application by Cheveley Parish Council and local residents for the construction of 10 dwellings on this site. Both Councillor Shuter and I fully support these objections.'*

A number of illustrations were displayed at the meeting, including a map, an aerial image, the layout of the proposal, changes to the drainage scheme, house types and elevations, and photographs of the street scene.

The Committee was reminded that the key considerations in the determination of this application were:

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

The application had previously been considered by the Planning Committee on 2<sup>nd</sup> August 2017 and with the exception of the surface water drainage scheme, the proposal remained the same as that previously considered.

The Council was now able to demonstrate that it had a five year supply of land for housing. Given that Full Council had approved the Proposed Submission Local Plan, it was considered that weight could be afforded to Policy Cheveley 3 and allocation CHV.H2.

With regard to visual amenity, the Senior Planning Officer said that the proposal had been amended to reduce the size of the dwellings, increase landscaping and move away from the Public Right of Way. The existing boundary trees and hedgerows were to be retained and the proposal would be subject to a detailed soft landscaping scheme that could be secured by condition. Members were reminded that previously they did not consider the scale and form of development would cause significant and demonstrable harm to the visual amenity of the area.

The layout and design of the proposed dwellings was the same as that previously considered and future residents would enjoy a satisfactory level of residential amenity. The impact of the proposal on nearby occupiers had also been considered previously, and the changes to the drainage system did not affect this assessment.



It was noted that a number of local residents were concerned that the drainage swales would have an adverse effect on the environment and be a danger to children and wildlife. There was no evidence to support this and refusal of the application on the grounds that the drainage swales would adversely affect amenity could not be justified.

The Local Highway Authority had raised no objections to the previous application and matters relating to highway safety and parking provision were considered to be adequately addressed by this application. Access would be via the Paddocks and the roadway would be widened.

The applicant had worked with the Lead Local Flood Authority (LLFA) to produce an acceptable scheme, and a revised Flood Risk Assessment and Surface Water Drainage Strategy had been submitted with the application. Key features of the Strategy included rainwater harvesting and the use of permeable paving. Roadside swales and the swale proposed along the northern boundary of the site would allow surface water to drain from the site, through the swales and into an off-site watercourse. Management and maintenance of the private receiving system would be undertaken by a management company set up by the developer.

The Trees Officer had examined the proposal and subject to an acceptable Arboricultural Method Statement being submitted, had no objection to the proposal. A planning condition in relation to tree protection could also be imposed.

At the invitation of the Chairman, Mr Richard Fullerton addressed the Committee and made the following points:

- He was representing the residents group;
- They felt strongly about the scheme but they were not NIMBYs;
- They did not oppose the development of brownfield sites, but they cared about their village and wanted to keep Cheveley special;
- The development would have a negative impact on the village and would not solve the housing problem;
- There was overwhelming opposition to the proposal;
- There would be an increase in surface water flooding to the north of the village;
- Sewerage problems had been experienced on Moulton Road and AWA had been called out several times;
- Video evidence had been submitted showing that the drains could not cope;
- They were concerned about the draft development envelope, and took issue with paragraph 7.2.8 of the Officer's report. It stated that there were no unresolved objections to the allocation, and this was wrong;

- There was an unresolved flood risk and there would be increased sewage;
- The new Local Plan should carry no weight as its legitimacy was in doubt.

Councillor Rouse referred to Mr Fullerton's letter dated 23<sup>rd</sup> October 2017, which spoke of pressure from politicians. He responded to this by saying that the 'Save Cheveley from Over-Development' pressure group had been putting much pressure on Officers. Mr Fullerton replied that while the Committee could make its own decision, the professional opinion had changed but the situation had not; these were two distinct things.

Councillor Rouse said the application was fully discussed at the previous meeting and this was where Members had formed their views.

The Chairman asked Mr Fullerton if he had been present at that meeting, to which Mr Fullerton replied 'no'. The Chairman continued, saying he found it surprising that Mr Fullerton had said that Officers were pressured to 'go away and sort out the planning reasons'. As had been demonstrated today, planning reasons were suggested, debated and decided on at the Committee meeting.

In the light of this, Mr Fullerton apologised and withdrew the remark.

At the invitation of the Chairman, Mr Paul Sutton, agent, addressed the Committee and made the following comments:

- This application had last been considered in August 2017, and the only reason for refusal was surface water drainage;
- The issue had now been addressed and it would be easy to maintain the swales. He had been informed that vehicular maintenance would not be required, and it could be carried out regularly by the management company;
- There was a unilateral undertaking to the Council regarding affordable housing and this site was included in the emerging Local Plan.

Councillor Goldsack noted that there were only two properties with no garages and they were shared ownership; Mr Sutton replied that this was not uncommon.

Councillor Hunt said that 3 affordable dwellings had been under consideration, and he wished to know if this was still the case. Mr Sutton replied that with the development comprising 10 units there was no requirement to supply affordable dwellings, but the developer was offering 2.

At the invitation of the Chairman, Parish Councillor Tracey Peel, Cheveley Parish Council, addressed the Committee and made the following points:

- She represented the South Ward of the Parish;

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- The residents objected to the proposal in the strongest terms because the development would dramatically alter the linear layout of the village;
- These 10 large houses would make an estate and this would alter the character of the area, dominating views from the Public Right of Way;
- If they were small bungalows, they would have a very limited impact on the village;
- She thought the scheme was very large and out of character as there was no other development of this size or depth in the village. In Cheveley Village and Broad Green, 72% of the houses were in Council Tax bands A – D, and this characterised the village;
- The houses in the new scheme would be in band E or above;
- There had been 27 approvals in Cheveley in the last 5 years and there would be 8 more in the next three years. This equated to 50 houses since 2013 – why so many houses so quickly all at once?
- The school was oversubscribed;
- The nursery paddocks would be landlocked. Would this mean there was to be further development?
- The scheme did not comply with EMP6, and it was not sustainable;
- It would set a precedent to backfill;
- If allowed, parking should be provided on site for construction vehicles and there should be no mud on the road;
- The benefits would be outweighed by the harm.

Councillor Peel concluded by asking Members to take a common sense approach. She said that if the application was approved, construction vehicles should not be permitted to park on the High Street and mud should be removed immediately from the road.

Councillor Goldsack asked Councillor Peel about the consultation that had taken place regarding allocations in the emerging Local Plan. He noted that only two sites had been put forward and as the Parish Council was consulted on this particular piece of land, it was to be included in the Local Plan. Councillor Peel replied that they had thought the allocation would be refused; she reiterated that the ditches on the north side could not be maintained.

At the invitation of the Chairman, Councillor Mathew Shuter, a Ward Member for Cheveley, addressed the Committee and made the following comments:

- The original application was recommended for refusal, and the Committee refused it only on grounds of the flood risk;

- The site was in Flood Zone 3. Attenuation and mitigation would be wholly inadequate;
- Appendix 3 (Residents' Group Drainage Review Report) was thorough but the LLFA response (Appendix 4) was wholly inadequate and did not address a number of the points raised;
- If the application was approved, and given that we now experienced monsoon-type conditions, the site would not be able to cope;
- The site was 500 yards from an important aquifer, adjacent to the Conservation Area and a listed building and the soil was impermeable;
- For the future, Members should be conscious that an insurance company would be within its rights to claim against the Council. If the site was at risk of flooding, insurance companies would possibly not insure the properties and this could have considerable consequences.

Councillor Shuter concluded by asking the Committee to refuse the application on the grounds that the flood provisions were inadequate.

The Chairman, having noted that Councillor Shuter was Chairman of the County Council Highways & Infrastructure Committee, said the District Council was in a difficult position because the LLFA had confirmed that they had no objections to the scheme.

Councillor Shuter said there was evidence to the contrary from local people and when Councillor Ambrose Smith suggested that a similar argument could be used for other sites in Cheveley, he disagreed, saying that the impermeable clay was very localised.

The Chairman asked Ms Ellis (LLFA) if the clay had been taken into account. She replied that the site was in Flood Zone 1 and at very low risk. She accepted that the soil was impermeable, but this did not really impact on the scheme as soakaways were not being proposed. The document that had been submitted by the residents showed that the north of the village, around Moulton Road, was in Flood Zone 3. The application site is in Flood Zone 1.

Councillor Rouse declared that his view had not changed. The site was eminently developable as long as the drainage issues could be overcome, and besides which, any part of the District could flood. The applicant had addressed the flooding concerns and the development would not spoil the character of the area. He supported the recommendation for approval and wished to commend the Case Officer for working under considerable bombardment from the residents of the village and Cheveley Parish Council.

Councillor Goldsack asked the Planning Manager about the allocations in the emerging Local Plan for Cheveley. She advised him that she was not involved in strategic planning, but this site was allocated and put before Members at the meeting of Full Council on 5<sup>th</sup> October 2017. The Chairman added that the site was consulted on and included at a later stage.

Referring to paragraph 4.1 of the Officer's report, Councillor Hunt sought confirmation that the site was within allocation CHV.H2. The Senior Planning Officer stated that technically the site was outside the development boundary, but it had been allocated and brought inside the boundary in the emerging Local Plan. If Members were minded to approve the application, it would be subject to a S106 agreement or a unilateral agreement regarding affordable housing.

Councillor Goldsack proposed that the Officer's recommendation for the Planning Manager to be given delegated approval be supported, with the inclusion of the Parish Council's request for additional conditions regarding contractors parking and the removal of mud from the road.

The Chairman wished to have recorded his disappointment that the development was to be delivered in two phases and would therefore not trigger affordable housing. Although the developer was offering 2 affordable dwellings as part of this scheme, any piecemeal development in the future would be resisted.

Councillor Rouse seconded the motion for approval. When put to the vote, it was declared carried, there being 6 votes for and 2 votes against.

It was resolved:

That the Planning Manager be given delegated authority to APPROVE planning application reference 17/01518/FUM subject to the recommended conditions as set out in the Officer's report and the completion of a S106 Agreement to secure the affordable housing, and the following additional conditions:

- The provision of fire hydrants; and
- The inclusion of removal of mud from the road surfaces and contractors parking in the CEMP condition.

**111. 17/01555/FUL – 9 STAPLES LANE, SOHAM, CB7 5AF**

Oli Haydon, Planning Officer, presented a report (S159, previously circulated) which sought full planning consent for the erection of a detached bungalow on a plot of land currently occupied by the driveway and garage belonging to 9 Staples Lane, Soham. A previous application was submitted and refused in June 2017.

The site currently comprised the driveway, garage and garden of No. 9 Staples Lane. It was located within the development envelope for Soham in an area characterised by uniform semi-detached two storey dwellings.

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

A number of illustrations were displayed at the meeting, including a map, an aerial image, the layout and elevations of the proposal and a photograph of the street scene.

The Committee was reminded that the key considerations in the determination of this application were:

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

The site was located within the defined development envelope for Soham, where the principle of residential development was acceptable.

Speaking of visual amenity, the Planning Officer stated that the scheme would feature prominently in the street scene as the site was currently an open area of hardstanding and residential garden. The detached, single-storey dwelling would appear totally out of character with the adjoining properties and would appear incongruous and out of keeping with the established pattern of development. Furthermore it did not respect the density of the area or relate sympathetically with nearby development.

In terms of residential amenity, it was noted that the single-storey dwelling was unlikely to appear overbearing and there would be minimal overlooking due to its size and layout.

Members noted that there was sufficient parking and turning within the site and as such, the Local highways Authority had raised no objections to the scheme.

With regard to other material considerations, the Planning Officer said the site was currently unused private amenity space/grazing land with minimal ecological value and it was therefore unlikely to impact upon any trees or biodiversity in the area. The site was located outside of all identified Flood Zones and as such, as Flood Risk Assessment was not required.

Whilst the District would benefit from an additional residential dwelling to its housing stock, it was considered that the dwelling would appear cramped, would have an incongruous appearance in the street scene and would harm the visual cohesion that existed along Staples Lane.

At the invitation of the Chairman, the Democratic Services Officer read out the following brief statement on behalf of Councillor Hamish Ross, a Ward Member for Soham South:

*'I support this application because we are in great need of bungalows. The bungalow is of reasonable size ideal for a retired couple, where many of the bungalows we have in Soham are large. The property is between 2 houses but there are bungalows across the road. The Town Council and Highways are also happy with this application.'*

Councillor Ambrose Smith said she had noticed the bungalows over the road during the site visit. She believed the proposal would be an asset in this location for the reasons given by Councillor Ross.

Councillor Smith disagreed, saying that this was the wrong place for a bungalow as big towering houses would overlook a bungalow. The Chairman thought the Officer was correct in considering the scheme to be contrived and overdevelopment.

Councillors Rouse, Hunt and Goldsack all concurred with the views put forward by the Chairman and Councillor Smith. Councillor Hunt believed that the site should also be refused on lack of amenity space as the scheme needed proper facilities and outside space. The Planning Manager clarified that the proposal was compliant with the design Guide SPD in terms of amenity space provision and therefore an additional reason would not be justified.

It was duly proposed by Councillor Hunt and seconded by Councillor Smith that the Officer's recommendation for refusal be supported.

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

It was resolved:

That planning application 17/01555/FUL be REFUSED for the reasons given in the Officer's report.

**112. 17/01558/FUL – THE ORCHARD, WEIRS DROVE, BURWELL, CB25 0BP**

Andrew Phillips, Senior Planning Officer, presented a report (S160, previously circulated) which sought planning permission for the erection of one detached dwelling with a detached garage and driveway, and including the demolition of the existing bungalow.

Following Officer concerns, amended plans were received which moved the dwelling back by approximately 7 metres, relocated the garage to the side of the dwelling, and changed the front boundary treatment to 1.2 metre close boarded fencing with hedge planting on the Weirs Drove side.

On a point of housekeeping, Members were asked to note that the scale on the elevations plan had been corrected since publication of the Officer's report

The site was located to the west of Burwell, outside the development envelope. Weirs Drove ran north-south to the west of Burwell, with agricultural land between the Drove and the edge of the development envelope.

To the north of the site was a two storey residential dwelling set back into the plot; to the south was a bungalow similar in materials and scale to the existing dwelling on the application site; to the east across the road was a ditch and agricultural land, and to the west was a park homes site.

It was noted that the application had been called in to Planning Committee by Councillor David Brown, as he wished the Committee to consider the application in the light of other recent approvals along this stretch of road, including whether the size and scale were appropriate in this location.

A number of illustrations were displayed at the meeting. They included a map, an aerial image of the site, the layout (including the existing footprint), elevations and floor plans.

The Committee was reminded that the key considerations in the determination of this application were:

- Visual Amenity
- Residential Amenity
- Highway Safety/Parking

It was noted that Policy GROWTH2 of the 2015 Local Plan and Policy LP3 of the Proposed Submission Local Plan 2017 did not normally allow new housing outside the development envelope. However, in this case the dwelling was a replacement rather than a new dwelling and was therefore not subject to this restriction.

In connection with visual amenity, the Senior Planning Officer highlighted the slide which set out details of Policies HOU8 of the 2015 Local Plan and LP31. He stated that the proposed dwelling would go from a single storey to two storeys with a maximum 8.6 metres ridge line. No specific justification had been made for this and the proposed design was not considered to be exceptional in either its form or use of materials.

The proposal was compliant in that the dwelling had existing use as a domicile, was not of an architectural or historic merit or valuable in the settlement character, and it was a permanent not temporary structure. However, it did not comply with policy in that it was not of a similar size and scale to the existing dwelling and it was not sited on the footprint of the existing dwelling. It was considered that a new dwelling significantly larger than the existing would not be preserving the street scene as it would incrementally change the character of the immediate vicinity area towards a more urban one.

Members noted that the neighbouring property's residential amenity could be preserved by condition. The proposal complied with the Design Guide in terms of plot size, plot ratio and amenity space for future occupants.

With regard to highway safety, the Local Highways Authority had raised no objections in principle as there was already a vehicular access off Weirs Drove which would be used for the replacement dwelling scheme.

The Senior Planning Officer concluded by saying that it was considered that the proposal would cause significant and demonstrable harm to the street scene and character of the area due to the combination of the additional height, scale, form and layout of the dwelling on the plot. The dwelling would be visually prominent and would incrementally change the rural character of the area. The application was therefore recommended for refusal.

At the invitation of the Chairman Mrs Janine Richardson, agent, addressed the Committee and made the following remarks:



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- This would be a replacement home so the applicant could live next door to his mother and provide her with security;
- Policy HOU8 allowed replacement dwellings and this was accepted in principle. The replacement dwelling would be larger and of an exceptional quality;
- The Officer thought that the proposal would change the rural character of the area;
- There was a variety of sizes and styles of dwellings that formed the character of the area and a number of park homes had been approved to the rear;
- The application had been amended and the garage set back. The conifers would be removed and it was proposed to put in a native hedgerow fence;
- There were no third party objections to the proposal;
- The scheme would enhance the area. It was for a 1:1 replacement of a simple traditional design;
- It would not increase development and was in proportion to the plot.

Councillor Cox commented that he considered it to be of a similar height to the next door property but had concerns regarding overlooking and Mrs Richardson stated that the replacement dwelling would not be set so far back that it would be a problem.

Councillor Rouse said he was disappointed with the report because here was a poor building that could be replaced with something better. It was a good plot and the replacement dwelling would be to the betterment of Weirs Drove. He thought a decent sized family house should be put on the plot.

The Chairman agreed, saying the proposal could be a superior dwelling that would enhance the area. He believed the scheme 'ticked the boxes' with regard to Policy HOU8 and he was mindful to support approval.

Councillor Ambrose Smith echoed these comments, adding that the house would be sufficiently far away from other properties that overlooking would not be a problem, and the new dwelling would tidy up the area.

Councillor Goldsack noted that there was implied support from the Parish Council and also from Councillor David Brown. The family were related to the people next door, and he believed this to be a good development.

It was proposed by Councillor Rouse and seconded by Councillor Goldsack that the Officer's recommendation for refusal be rejected and the application granted permission.

When put to the vote,

It was resolved:

That planning application 17/01558/FUL be APPROVED for the following reason:

- Members do not believe the dwelling will be out of keeping with neighbouring properties and will be a visual improvement.

It was further resolved:

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

**113. CONFIRMATION OF TREE PRESERVATION ORDER E/09/17 – LAND NORTH OF ORTON DRIVE PUBLIC OPEN SPACE, WITCH FORD.**

Neil Horsewell, Trees Officer, presented a report (S161, previously circulated) from which Members were asked to confirm a Tree Preservation Order (TPO) for a Group of 4 Ash trees (G1) and a group of 8 Ash trees (G2).

Displayed at the meeting were illustrations which included a map indicating the location of the groups of trees and photographs showing each group individually and another showing both groups together.

It was noted that the Order was made because a planning application was received (16/01136/OUM) that raised concerns regarding the long term viability of these trees within a development of the site. The proposal only provided an indicative layout that could not fully ensure the trees would be successfully retained within any approved development. The trees were assessed as providing a significant landscape feature worthy of preservation.

Members were reminded that the key points for consideration in the determination of this application were:

- Lapsed Pollards
- Landscape Impact
- Planning conditions

The Trees Officer summarised the objections to the serving of the TPO which was received during the consultation period:

- The Order consisted of 2 Ash tree groups, while a report in relation to planning application 16/01136/OUM submitted by the Arboricultural Consultant on behalf of the applicant considered the vegetation to comprise a single group also incorporating Hawthorn and Apple;
- The Ash trees were considered of low amenity value; and

- The TPO was considered unnecessary as no further tree losses would occur, as the development proposed did not pose a direct threat to these trees.

The Committee noted that the Trees Officer's responses to the objections were as follows:

- The trees visually formed two distinct groups by virtue of the existing gap between them. This would act as the access point for the proposed development site;
- The mature Ash trees were the only trees considered for the TPO as they were the visually dominant species within the tree belt. Individually they were of a relatively low quality due to lack of recent management, but collectively they provided a substantial landscape feature;
- Application 16/01136/OUM had since been refused and therefore the Ash trees were afforded no protection without a TPO. The site was clearly being considered for future development that might impact on these trees.

The Trees Officer concluded by reiterating that the protection of the trees would ensure the preservation of a distinct landscape feature which was not assured under the current circumstances. The landscape feature could be maintained long-term with the enforced replanting of any declining trees.

There were no comments or questions from Members.

It was proposed by Councillor Hunt and seconded by Councillor Smith that the Trees Officer's recommendation for confirmation be supported. When put to the vote.

It was resolved unanimously:

That Tree Preservation Order E/09/17 be confirmed without modifications.

#### **114. PLANNING PERFORMANCE REPORT – SEPTEMBER 2017.**

The Planning Manager presented a report (S162, previously circulated) which summarised the planning performance figures for September 2017.

The Department had received a total of 222 applications during September which represented a 2% decrease on September 2016 (225) and 0.5 decrease from August 2017.

It was noted that Ruth Gunton, Planning Officer, had recently left the Authority, the Agency worker had also left, and Gareth Pritchard, Planning Officer, would be leaving on 1<sup>st</sup> December 2017.

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The Chairman congratulated the Planning Team, saying that the report made for good reading.

It was resolved:

That the Planning Performance report for September 2017 be noted.

The meeting closed at 5.50pm.