



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee  
held in the Council Chamber, The Grange,  
Nutholt Lane, Ely on Wednesday 3 December 2014  
at 2.00pm

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

Councillor Joshua Schumann (Chairman)  
Councillor David Ambrose Smith  
Councillor Derrick Beckett  
Councillor David Brown (to end of Minute No.66)  
Councillor Lavinia Edwards  
Councillor Lis Every  
Councillor Jeremy Friend-Smith  
Councillor Tom Hunt  
Councillor Mike Rouse  
Councillor Robert Stevens  
Councillor Gareth Wilson

### **OFFICERS**

Julie Barrow - Planning Officer  
Marcus Bell – Scientific Officer  
Claire Braybrook – Environmental Health Officer  
Maggie Camp – Solicitor  
Ann Caffall - Senior Planning Officer  
Oliver Cook - Development and Enabling Officer  
Penelope Mills - Senior Planning Officer  
Jon Pavey-Smith - Planning Officer  
Melanie Sage – Democratic Services Officer  
Rebecca Saunt - Senior Planning Officer  
Richard West – Planning Officer  
Lesley Westcott - Planning Officer  
Sue Wheatley – Planning Manager

### **ALSO IN ATTENDANCE**

Councillor Ian Allen  
Councillor Bill Hunt  
Councillor Pauline Wilson  
  
Ian Dyer – Cambridgeshire County Council Highways  
Jo Brooks – Director (Regulatory Services) (part)  
Emma Grima – Corporate Unit Manager  
Wendy Hague – Forward Planning Officer (part)  
Victoria Jempson – Locum Lawyer (part)  
Melissa Reynolds - Senior Planning Officer – North Ely (part)

Approximately 26 members of the public and 1 member of the press  
attended the meeting.

62. **APOLOGIES AND SUBSTITUTIONS**

No apologies for absence were received or substitutions made to the membership of the Planning Committee.

63. **DECLARATIONS OF INTEREST**

Cllr G Wilson declared a personal interest in Agenda Item 9 - 14/00931/OUM - Outline application for up to 128 residential dwellings with all matters reserved apart from means for access - Land North of Field End, Witchford as he had spoken in opposition when an application by the same Applicant on the same site had previously been considered by the Planning Committee. Cllr G Wilson was interested to see how the application had since changed.

Cllr Ambrose Smith declared a prejudicial interest in Agenda Item 5 – 14/00017/FUM - Erection of 16 affordable housing units - Land to North East of 5 Back Lane, Littleport as he had spoken in opposition when the application had previously been considered by the Planning Committee. Cllr Ambrose Smith stated that he would exercise a speaking right and would leave the Council Chamber before the item was discussed.

The Chairman declared a personal interest in Agenda Item 11 – 14/01060/FUL - 2 houses with accommodation in roof, double garages, access, parking and associated site works - Land to Rear of 1 and 3 Bancroft Lane, Soham as he had a personal connection to the Applicant. The Chairman stated that, although it was not standard procedure when a personal interest was declared, he would vacate the chair and leave the Council Chamber for the duration of the item.

64. **MINUTES**

It was resolved:

That the minutes of the Planning Committee meeting held on 5 November 2014 be confirmed as a correct record and signed by the Chairman.

65. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- Agenda Item 7 - Land North of 17-45 Toyse Lane, Land North of Toyse Close and 111 Ness Road, Burwell - subsequent to the dispatch of the Planning Committee agenda the Applicant had, within the last few hours, withdrawn the application and therefore the item would not be considered by the Planning Committee.

- Agenda Item 13 had been withdrawn from the agenda as the matters raised were not for consideration by the Committee.

66. **14/00017/FUM - LAND TO NORTH EAST OF 5 BACK LANE, LITTLEPORT**

Ann Caffall, Senior Planning Officer presented a report (P131) which provided details of an application to construct 16 affordable housing units on land to north east of 5 Back Lane, Littleport.

The Senior Planning Officer noted that subsequent to the dispatch of the agenda all Planning Committee Members had directly received an email from the Agent, Mr Philip Kratz, and she also referred Members to the email tabled at the meeting from the Resident's Association objecting to the application.

The application had previously been considered by the Planning Committee on 16 July 2014. That application was deferred to enable officers to seek further information about the condition of the road, whether a footway was to be provided, drainage details and the height of the lane in relationship to existing development.

*Cllr B Hunt entered the Council Chamber at this point of the meeting.*

Since the application had previously been considered by the Committee the application had been increased to 16 dwellings. In July Members considered a proposal for 5 dwellings and further objections had since been received from neighbours and the Local Highway Authority.

The Applicant had submitted the following information regarding the proposed access, drainage details and the height of the lane in relationship to existing development:

- The carriageway would be asphalt and a width of 4.8m with 2m footways to the new access.
- Drainage channelled to east and would serve the site with a new access road.
- To northern side of the site - Back Lane - the footway varied between 1.2m – 1.6m. The narrowest part was a width of 1.0m.
- To the southern side of the site there was a 0.7m tarmac margin and a verge for the remainder.
- Back Lane was owned by the Environment Agency and they had agreed that works could be carried out.
- The road was not offered for adoption, but the Applicant was willing to enter into a maintenance agreement via a S106 Agreement.

The Local Highway Authority was concerned that the number of units had increased to 16 and advised that no more than 10 – 12 dwellings in total should be served by the proposed shared surface.

Illustrations were displayed at the meeting which depicted the application site, plans detailing carriageway and footpaths and the layout of the proposal in July in comparison to the current proposal.

The Senior Planning Officer noted that the layout provided open space, but no access to the rear land. There was no significant impact on the appearance and character of the settlement edge. There was a significant increase in number of dwellings and there was a need for affordable houses in Littleport. However, the Senior Planning Officer stated that the application should be refused due to the substandard width of carriageway and footway, which was not acceptable for future and existing users of Back Lane, and that the junction of Quay Hill with Station Road was unsuitable.

The Senior Planning Officer noted that Mr Ian Dyer from Cambridgeshire County Council Highways was in attendance at the meeting to answer any questions regarding the Local Highways objections and Mr Oliver Cook, the Development and Enabling Officer, was in attendance to answer any questions regarding housing need in Littleport.

At the invitation of the Chairman, Mrs Karen Pring, Joint Chairman of the Residents' Association addressed the Committee in objection to the application and a summary of her comments were as follows:

- Represented the 28 households that formed the Residents' Association that would be directly affected by the application.
- At the Planning Committee meeting in July had addressed the Committee in objection.
- The Residents' Association had increased safety concerns.
- The access statement provided by the Applicant provided a positive picture.
- In September the Residents' Association had written to East Cambridgeshire District Council to ask for help regarding the technical detail of the application. However, no response had been received.
- The shared surface was unsuitable for the proposed application.
- No consideration had been given to the increase in traffic that the development would create travelling towards the station.
- East Cambridgeshire District Council had confirmed by letter that the application would be considered by the Planning Committee at its meeting today and that a Technical Note and Drawing 12 had been received by the developer and would be uploaded to the Council's website on Friday – only 2 days before the Planning Committee meeting. This was not sufficient time for the Residents' Association, who were laypersons, to digest the information.
- The Technical Note had still not been uploaded to the Council's website and there was still no information provided regarding drainage.
- Lack of consideration of traffic impact at pinch points and the subsequent risk to footpath users.
- Mystified how a carriageway width of 4.8m would be achieved.

- Surface water drainage and sewage was a concern.
- Working outside area of expertise and therefore had to rely on help. The planning framework should provide assistance not only for the Applicant but also to those affected by the proposal.

In response to a question by Cllr Friend-Smith, Mrs Pring explained where she resided and that she was able to park two vehicles beside her property, but other houses nearby were unable to do this.

Subsequently at the invitation of the Chairman, the Agent Mr Philip Kratz, addressed the Committee and a summary of his comments were as follows:

- When the application was considered by the Planning Committee in July the application had been recommended for approval by officers.
- When the application had originally been submitted it had been for 21 dwellings with 5 dwellings to the frontage.
- 5 dwellings to the frontage of the site had been considered acceptable.
- It was unreasonable to thwart development to the rear of the site.
- 11 dwellings to the rear of the site were now proposed rather than the 16 dwellings as per the original application.
- The application accorded with the Manual for Streets and assisted in meeting the housing need in Littleport.
- 5 dwellings to the frontage of the site had been considered acceptable. The amended number of dwellings to the rear was an acceptable compromise.
- The carriageway met national guidance.
- The footpath was a metre wide, which was the same width as the footpath by The Lamb Hotel in Ely which accommodated 12,000 visitors per year.
- Drainage of the scheme would not usually be considered at this stage of the application. However, the drainage scheme would be an improvement to what was currently on site and the Environment Agency had agreed to the improvements.

In response to a question from Cllr Ambrose Smith, the Senior Planning Officer confirmed that when the Committee previously considered the application it resolved to defer the application. However, the officer's recommendation had been to approve the application if a revised layout plan was submitted within 28 days, showing 5 dwellings across the frontage of the site with no capability for further access from Back Lane to the rear of the site. If the revised layout plan had not been submitted within 28 days, the officer's recommendation had been to refuse the application.

Cllr Brown enquired why in the Agent's recent email to Planning Committee members he had felt it appropriate and necessary to send them a further copy of the officer's report when they were already in receipt of an agenda. Mr Kratz stated that this had been for Members ease of reference.

Cllr T Hunt enquired whether the site would include shared ownership accommodation and of the split between rental and shared ownership properties. The Development and Enabling Officer explained that the split would be 70% rental and 30% shared ownership accommodation, which would equate to 11 rental dwellings and 5 shared ownership dwellings. There was currently 126 Littleport residents on the housing register, which were mainly families requiring the type of accommodation proposed in the planning application.

Cllr Stevens enquired whether the Environment Agency, who owned the access road, were in agreement with the proposal and for the road to be used. Also if the road was not to be to an adoptable standard who would be responsible for its maintenance? Mr Kratz stated that the Environment Agency was in agreement with the proposal and were delighted that someone was willing to fund the road improvement. A Section 106 Agreement would be devised for maintenance of the road and the Registered Housing Provider of the affordable housing scheme would be responsible for management of the road.

In response to a question by Cllr G Wilson, Mr Kratz explained that the play area would be sited next to the allotments and he confirmed that all Littleport residents would be able to use the facility.

In response to a question by Cllr Beckett regarding the surface water concerns raised via the consultation process, Mr Kratz stated that drainage was channelled from west to east of the site and would be discharged into a managed system.

At the invitation of the Chairman, Cllr B Hunt addressed the Committee and a summary of his comments were as follows:

- Had been in attendance at the Planning Committee meeting as a Substitute Member when the application had been previously considered and had retained an ongoing interest in the site.
- The proposal did not comply with localism as local residents objected and the Parish Council had stated that 5 dwellings were the maximum amount that should be constructed on the site.
- Concerned with the access arrangements as Back Lane was already a well used road. Members should take note of the objections of the Local Highway Authority.
- Affordable housing should not be regarded any differently to market housing.
- It was unacceptable that 16 dwellings were to be served by an unadopted road.
- The Local Highway Authority recommended that the minimum width of the footpath should be 2m.
- Urged the Committee to refuse the application as it was unreasonable and unworkable.

Having declared a prejudicial interest Cllr Ambrose Smith exercised his speaking right. Cllr Ambrose Smith stated that his concerns and objections had already been expressed and added that East Cambridgeshire District Council, the Residents' Association, the Parish Council, Local Highways Authority and local residents did not support the application. Cllr Ambrose Smith agreed that there was a need for affordable housing in Littleport and it was a good developer that had submitted the application. However, it was the wrong site and other more suitable sites should be considered.

Cllr Every noted that Cllr Ambrose Smith had indicated that there was strong opposition to the application and enquired whether this was universally seen as the view of the majority of local people. Cllr Ambrose Smith stated that he knew of very few local people that supported the application and those that did felt 3 dwellings should be the maximum number for the site.

*Having exercised a speaking right and declared a prejudicial interest, Cllr Ambrose Smith left the Council Chamber.*

Cllr T Hunt enquired whether there were any other affordable housing sites in Littleport that were likely to come forward. The Development and Enabling Officer stated that a number of affordable housing sites in Littleport had been identified. However, he was not aware of any applications coming forward.

In response to questions by Cllr Stevens, the Development and Enabling Officer stated that the affordable housing would be for people that either lived or worked in Littleport and the Senior Planning Officer explained that the width of the carriageway would not be sufficient for large refuse vehicles.

Cllr Beckett noted that the proposed carriageway was only 8 inches too short of the minimum standard required. In response Mr Ian Dyer from Cambridgeshire County Council Highways explained that there were minimum standards that Cambridgeshire County Council required for new carriageways and footpaths and narrow carriageways were now not accepted for adoption. 4.5m carriageways within the adopted public highway would be used for single carriageways or over a very limited length through a road narrowing as a traffic management feature. Narrow two-way carriageways created problems as vehicles parked on the carriageway which resulted in complaints.

Cllr T Hunt enquired whether there was a separate waiting list for shared ownership properties. The Development and Enabling Officer confirmed that there was a separate waiting list for shared ownership properties that was managed by the Help to Buy Agents.

Cllr G Wilson noted that if the Local Highway Authority were already concerned with junctions around the proposed development site then why

had highway improvements not been undertaken? Mr Dyer explained that Cambridgeshire County Council owned a limited amount of land and only had a limited budget for highway improvements.

Cllr G Wilson noted that many carriageways within the district were less than 4.8m wide and many had no footpaths. Mr Dyer explained that this was historical, but now such proposals were not acceptable by the County Council.

Cllr T Hunt stated that there was a need in Littleport for affordable housing; it was good that the proposal also included shared ownership and he was sympathetic to the objectors. However, he felt that some residents would benefit from the application and he concluded by stating that the concerns of highway safety were not significant enough to refuse the application.

The Chairman noted that highway matters needed to be balanced against housing need.

Cllr Rouse noted that the application would deliver affordable housing and he was sorry that local residents objected to the application. Exception sites often had issues. The Planning Committee was now able to see a complete scheme with improvements and Cllr Rouse stated that housing need outweighed the other issues.

Cllr Beckett stated that there were few exception sites that did not create objections and at the last Planning Committee an application was approved with 10 – 15% affordable housing. This application did not include any market housing and would not be a cost to the Council. Cllr Beckett had been impressed with the affordable housing that had been delivered in Stretham and he acknowledged that parts of the road within the proposed development were not to an adoptable standard. However, the proposed carriageway was only 8 inches too short of the minimum standard required. The existing road did not currently have a footpath and the drainage scheme would benefit the local residents. Although Cllr Beckett had sympathy with the objectors he proposed that the application be approved, which was seconded.

Cllr G Wilson agreed that exception sites were problematic. However, there was an overwhelming argument in support of the application due to the affordable housing need in Littleport.

Cllr Stevens explained that two years ago the Planning Committee had considered an application for 6 affordable dwellings in Burrough Green which there had been considerable opposition to for reasons such as parking, drainage and access. However, the development had turned out well.

Cllr Friend-Smith stated that there were needs and disadvantages that had to be considered. The narrow roads on some estates resulted in refuse



vehicles mounting pavements, which was likely to occur with the proposed development. There would also be an issue for removal vehicles. If refuse/recycling vehicles were unable to enter the site it would mean residents would need to take refuse/recycling to the site entrance. The application might also impact on future development in Silt Road. However, in conclusion Cllr Friend-Smith stated that the advantages of the application outweighed the disadvantages.

The Chairman noted that there was a need for affordable housing in Littleport and that the development was unlikely to be viable with less than 16 affordable dwellings.

Cllr Beckett stated that he was proposing that the application be approved as there was a proven need for affordable housing in Littleport, that rural exception sites were not easy to identify, that the proposal would not impact on the character of the area and if the carriageway had been 8 inches wider the application would have been more difficult to refuse. The Chairman added that highway restrictions were not an adequate reason for refusal of the application and noted the housing need in Littleport.

The Planning Manager summarised that the Committee had also acknowledged that the carriageway was substandard and that the application would benefit residents by providing a footpath and a better drainage scheme, which was agreed should be incorporated into the reason for approval.

Cllr Wilson noted that the site outline on the map contained within the officer's report and illustrated at the meeting was incorrect as the site comprised the entire parcel of land, not just a portion of it. The Senior Planning Officer confirmed that Cllr G Wilson was correct.

Having already been proposed and seconded the proposal to approve the application was put to the vote and was carried.

It was resolved:

That planning application reference 14/00017/FUM be approved and that appropriate conditions be delegated to the Planning Manager in consultation with the Chairman of Planning Committee as:

- rural exception sites were not easy to identify;
- the development would assist in meeting housing need in Littleport;
- although the carriageway did not accord with the Manual for Streets, it was only just substandard and the application would benefit residents by providing a footpath and a better drainage scheme.

Following determination of the application the Chairman noted that it was the final meeting for the Senior Planning Officer as she would shortly be leaving the Council's employment. The Chairman expressed his appreciation to the Senior Planning Officer for her hard work and the assistance that she had provided to Members, which was echoed by the Planning Committee.

*At the conclusion of the above application, Cllr Ambrose Smith returned to the Council Chamber and subsequently left the Council Chamber at 2.56pm and did not return to the meeting.*

67. **14/00668/FUL - LAND ADJACENT TO 82 STATION ROAD, SOHAM**

Julie Barrow, Planning Officer, presented a report (P132) which provided details of an application for the construction of a single dwelling on land to the rear of 82 Station Road, Soham. A Members' site visit had taken place prior to the meeting.

The proposal was an amendment to the previously approved application 14/00068/FUL and sought the addition of a first floor over a single storey section of the approved dwelling and an increase in roof height.

Illustrations were displayed at the meeting which depicted the application site, the proposal and the previously approved plans.

The main considerations in the determination of the application were the impact of the amended proposal on visual amenity and on the historic environment; and the impact on residential amenity.

The site was located within the development envelope for Soham and within Soham Conservation Area and had a prominent position when viewed from Station Road and West Drive.

The current proposal was similar to that originally submitted under planning reference 14/00068/FUL. During the course of that application, the size of the dwelling was reduced from 4 bedrooms to 3 bedrooms, following receipt of comments made by the Conservation Officer. The Conservation Officer had indicated that the comments originally made in respect of the previous application were relevant again and that amendments to the scheme should be sought.

Under the revised plans the ridge height of the front section of the proposed dwelling would increase from 7.6m to 7.9m and there would be the addition of a first floor to the rear section which would increase the height from 5.9m to 7.5m. The footprint of the proposed dwelling would remain the same as that already approved.

A previous application for an 'H' shaped modern designed dwelling with mono pitched roofs, set at an angle within the site had been refused and

the proposal was dismissed on appeal with the Inspector citing the fact that the design did not appear to reflect the features within the Soham Conservation Area and the development would therefore appear out of keeping with its surroundings.

The increase in ridge height of the front section of the dwelling was not considered to have a detrimental impact on the amenity of occupiers in West Drive given the separation distance between the dwellings.

In addition, sufficient amenity space was being retained for the host dwelling to ensure that the new dwelling would not appear overbearing or cause any significant loss of light.

There were minimal additional windows at first floor level. A window opening was proposed at first floor level in the south facing elevation which would afford views towards the rear of the dwellings on Station Road. The window would serve a bathroom and was therefore it was not considered to create an unacceptable level of overlooking.

In conclusion the Planning Officer stated that the proposal was broadly the same as that submitted under the previous application and subsequently amended. The scale and bulk of the revised design under consideration was inappropriate. There had not been any change to the Conservation Area boundary or planning policy since the last application and the application was therefore recommended for refusal for the reason set out in the officer's report.

At the invitation of the Chairman, the Agent Mr Jamie Palmer, addressed the Committee and a summary of his comments were as follows:

- The application was a variation of the previous application that had been approved.
- The application was being proposed for refusal on the basis of H2 of the Core Strategy which referred to density. However, the application was for one dwelling and there was no reason for refusal on these grounds.
- ENV2 of the Core Strategy referred to design and the Conservation Officer had stated that the previous application was well designed. The current application was not detrimental to the previous application.
- The footprint of the proposed dwelling would not be increased to that already approved.
- The application proposed a minimal increase in ridge height.
- Mature trees/vegetation would provide screening to protect visual amenity.
- An application for an 'H' shaped dwelling was dismissed on appeal as the design was modern and out of keeping with the street scene and did not reflect the style of the neighbouring surroundings. The Inspector had not stated that the dwelling should not be 2 storeys.
- The existing access would be used.

- All concerns had been addressed.
- The neighbours had not objected.

In response to a question by Cllr Friend-Smith, the Agent explained how the proposed application differed to the application that was dismissed at appeal.

Cllr Brown stated that he did not consider the minor increase in ridge height detracted from the conservation area or the residential amenity.

Cllr Rouse noted that the principal of a dwelling on the site had already been accepted and that the application was a minor amendment to the previous application. Cllr Rouse stated that the Committee should approve the revised design.

Cllr Stevens noted that the dwelling would be protected to an extent by mature trees.

Cllr Beckett proposed that the application be approved as the increase in ridge height would not be detrimental to the character or the appearance of the conservation area or detract sufficiently from the street scene to warrant refusal of the application, subject to appropriate conditions being delegated to the Planning Manager in consultation with the Chairman of Planning Committee. The proposal was seconded and on being put to the vote was carried.

It was resolved:

That planning application reference 14/00668/FUL be approved and that appropriate conditions be delegated to the Planning Manager in consultation with the Chairman of Planning Committee as the increase in ridge height would not be detrimental to the character or the appearance of the conservation area or detract sufficiently from the street scene to warrant refusal of the application.

68. **14/00960/FUL - REAR OF 41 SAND STREET, SOHAM**

Rebecca Saunt, Senior Planning Officer presented a report (P134) which provided details of an application for the demolition of existing farm/dairy buildings together with the erection of two detached two bedroom bungalows, access, parking and associated works, to the rear of 41 Sand Street. A Members' site visit had taken place prior to the meeting.

The Senior Planning Officer referred to a typographical error in the report which stated the site was approximately 0.6ha. However, the site was 0.06ha.

In response to a question asked at the Site Visit, the Senior Planning Officer explained that the current rear barn had a depth of 7.9m.

Illustrations were displayed at the meeting which depicted the application site and the proposed development.

The key considerations in determining the application were the principle of development, loss of an employment site, residential amenity, visual amenity, impact on the character and appearance of the conservation area and the Grade II listed building (41 Sand Street), ecology and highways.

The site was located within the development envelope and conservation area of Soham, and within the grounds of a Grade II Listed Building, 41 Sand Street.

The land to which the application related was previously a cattle farmyard and dairy and comprised two large farm/dairy buildings which were associated with the business, together with a section of residential garden associated with 41 Sand Street.

Whilst the proposal lead to the loss of an employment site, given the location of the site, the size of the site, its shared access with 41 Sand Street and close proximity to residential properties it was considered that a business in this location might have an adverse impact on residential amenity and also on the setting of a listed building. The proposal would not have an adverse impact on either residential or visual amenity, ecology or highways. Whilst the proposal was situated within the grounds of a listed building and in the conservation area it was considered that the proposal, subject to the recommended conditions, would not create an adverse impact on the historic environment.

Two large barns associated with the previous use of the site as a cattle farmyard and dairy were already in situ on the north east and north west boundaries of the site. The demolition of the barns and the erection of two dwellings would decrease the amount of built form situated on the boundaries of the site and reduce any overbearing impact on the neighbouring properties, improving the existing residential amenity of neighbouring properties and the host dwelling.

The dwellings were both single storey and there were existing boundary treatments in place or proposed. Due to the design of the buildings, their scale, siting and orientation, proposed fenestration pattern and boundary treatments the proposal would not create an adverse impact on residential amenity.

The two proposed dwellings were small and compact and the Conservation Officer was satisfied that they had been positioned well on the plot to limit the impact on the immediate setting of the listed building, while providing a sense of enclosure to the site. The original design had a cottage feel to it and did not make reference to the historical use of the site as a farm. At pre-application discussions with the Conservation Officer the Applicant had been advised that a traditional style design replicating the style of farm outbuildings would be most appropriate in design terms for the site.

Amended plans were received which improved the appearance of the dwellings, creating a much more simple design and less 'cottage' in appearance. The amended design made the proposed dwellings appear more outbuilding in style, in line with the original advice from the Conservation Officer.

Due to the siting of the proposed dwellings only the gable end of plot 1 would be visible within the streetscene. At present the gable end of the existing farm building was visible and it was considered that the demolition of the existing building and its replacement with a single storey dwelling would improve the overall appearance of the site and the conservation area.

A Protected Species Survey and Report was submitted with the application in line with Natural England's Standing Advice and the report concluded that the barns were of low interest to bats and there would be no impact on bats from the development. The habitat on the site was not suitable for great crested newts, water vole otter or white clawed crayfish. There were no reptile habitats within the area of the proposed works and no evidence of badger presence on site.

The application proposed to use the existing access to Sand Street which served the cattle farmyard and dairy and also served 41 Sand Street. The Highway Authority had advised that they were satisfied that the proposal would have no significant adverse effect on the public highway, subject to the recommended conditions.

Two parking spaces for each of the new dwellings were proposed, alongside two parking spaces for 41 Sand Street and space for turning within the site, to enable vehicles to enter and leave the site in forward gear. The number of car parking spaces proposed was in accordance with the Councils car parking standards.

In conclusion the Senior Planning Officer stated that the proposal was located in the development envelope; the business that had operated from the location might have adverse impacts on residential amenity; there was no adverse impact on residential or visual amenity, historic environment, ecology or highways and therefore the application was recommended for approval.

Cllr Beckett enquired of the policy regarding the marketing of employment sites before a change of use could be granted. The Senior Planning Officer explained that EC1 of the Core Strategy stated that Applicants were required to demonstrate that an employment site had been actively marketed at a realistic price for a continuous period of at least 12 months, or provide clear and robust evidence that demonstrated that business use of the site was no longer viable.

Cllr Beckett enquired of the housing density on a site of 0.06ha. The Senior Planning Officer explained that the housing density was an average of 30 dwellings per hectare.

Cllr Rouse on proposing the officer's recommendation for approval stated that the officer's report was thorough and that residential dwellings were more appropriate on the site than a business use. Cllr T Hunt in seconding the proposal stated that there would be plenty of space on site once the existing farm/dairy buildings had been demolished and it was good to see a development of bungalows.

Cllr Brown sought confirmation that the application had been presented to Planning Committee for determination as the Applicant was a fellow Councillor. The Planning Manager confirmed that usually the application would have been determined under officer delegation. However, as the Applicant was a fellow Councillor the application had been presented to Planning Committee for determination.

Having already been proposed and seconded the proposal to accept the officer's recommendation, was put to the vote and was carried.

It was resolved:

That planning application reference 14/00960/FUL be approved with the conditions listed within the officer's report.

69. **14/00931/OUM - LAND NORTH OF FIELD END, WITCHFORD**

Penelope Mills, Senior Planning Officer presented a report (P135) which provided details of an application for outline planning permission for up to 128 residential dwellings on land to the north of Field End in Witchford. Approval was sought for access only, with all other matters (landscaping, appearance, scale and layout) reserved for subsequent consideration.

The Senior Planning Officer referred Members to the paper tabled at the meeting which noted an error made by the Highways Officer within his consultation response provided in paragraph 9.23 of the officer's report. In referring to the junction of Common Road this should have read with the A142, not B1123.

The Senior Planning Officer noted that the paper tabled at the meeting also revised the reasons for refusal as within the officer's report both reasons for refusal referred to the 'Draft East Cambridgeshire Local Plan February 2014 (incorporating Modifications in October 2013, April 2014 and September 2014)'. However, the wording now being used by the Council for the emerging plan was 'Draft Local Plan pre-submission version (as modified)'. It was noted that the context of the reasons for refusal had not been amended.

The site was located on the northern edge of Witchford, on land outside of the settlement boundary, to the north of Field End and to the west of Common Road. The land was a mix of Grade 2 and 3 agricultural land and the site was bordered by a line of trees and hedges.

The application followed a previous application which was refused by the Planning Committee on 6 August 2014.

Illustrations were displayed at the meeting which depicted the application site and an illustrative Masterplan.

The main considerations in determining the application were:

- Planning policy and principle of development
- Visual impact of the development
- Flood risk and drainage
- Ecology and biodiversity
- Highway safety and accessibility
- Residential amenity – noise and air quality
- Existing infrastructure – capacity in education system
- Impacts on historic environment

The Senior Planning Officer explained that at the time the last application was considered, the Council could not demonstrate that it had a five year supply of land for housing. Therefore the application was assessed in line with the presumption in favour of sustainable development, set out in the National Planning Policy Framework (NPPF). This was as a result of the Examination of the emerging Local Plan where the Local Plan Inspector issued an Interim Conclusions Report in July stating that in his view there was a shortfall of 320 dwellings in the Council's five year housing land supply.

The Hearings for the Examination was deferred for two months to allow the Council to address this issue. Modifications were proposed to address the shortfall and the second examination took place on 11 November 2014.

At the examination on 11 November 2014 the Inspector stated that he would contact the Council by Friday 14 November 2014 if he had concerns about the further proposed modifications, and the Council's ability to demonstrate that it had a five year supply of housing land. Having had no correspondence from the Inspector, and in light of the legal advice previously obtained, it was considered that the Council should regard itself as having a five year supply of land for housing. Therefore all planning applications would now be assessed against the relevant policies within the development plan.

The approach taken by the Senior Planning Officer regarding the application, in comparison to the previous application differed as Section 38 (6) of the Planning and Compulsory Purchase Act required that decisions on



planning applications should be made in accordance with the Development Plan, unless material considerations indicated otherwise.

The application site was located outside the development envelope for Witchford, on land designated as 'countryside', where development was strictly controlled by policies CS1 and CS2 of the Core Strategy.

GROWTH2 of the Draft Local Plan stated that the majority of new residential development would be focused in the market towns throughout the district. The proposal was contrary to Core Strategy and Local Plan policies.

The 'Village Visions' were neighbourhood plan-style documents, developed in close collaboration with Parish Councils and local communities. The majority of responses to the Witchford Village Vision stated that there should be no further housing growth on the edge of Witchford.

Whilst the erection of up to 128 houses on the northern edge of Witchford would significantly increase the size of the settlement, due to the existing topography, landscape features and pattern of existing development, the actual visual impact of this would be limited. It was considered, on balance, that any potential adverse effects could be either successfully 'designed out' at the reserved matters stage or successfully mitigated for through careful landscaping. As such, there would not be any significant adverse effects on visual amenity.

During the course of the previous application, the Environment Agency had raised concerns over the capacity to accommodate the proposed development and the associated increased in sewage discharge from Witchford Water Recycling Centre (WRC). Further information was subsequently received and Anglian Water and the Environment Agency confirmed that had no objections to the development on water quality grounds, subject to the use of a condition requiring details the proposed waste water infrastructure on and off site, including details of conveyance, treatment, discharge, and phasing. As there had been no material change in circumstances or to the development proposals that would affect these issues the Environment Agency had confirmed that its earlier comments still remained and they had no objections to the proposal.

In light of the information submitted, the local planning authority was satisfied that there would be no adverse impact to protected species as a result of the development.

When the proposal was previously considered by the Planning Committee concerns were expressed by Members regarding the adverse affects on highway safety as a result of the development. Highway concerns had again been raised by the Parish Council and members of the public during the course of the application.

A consolidated Transport Assessment had been submitted with the application, which the County Council had confirmed was fit for purpose. In addition to addressing policy issues and the sustainability of the development, the assessment considered the traffic impact of the additional traffic on the road network. The key junctions identified were:

- A142/Sutton Road – priority junction at western end of bypass
- A142/Common Road – priority junction
- A142/Witchford Road/Lancaster way – roundabout
- Main Street/Grunty Fen Road – priority junction

In assessing the junctions, the key statistics were the ratio of flow to capacity (RFC) and queue lengths. A junction was considered to be at practical capacity if the RFC exceeded 0.85. An extract of the resulting analysis was displayed which demonstrated that all junctions would be well within capacity, with no junctions reaching 0.85.

County Highways have therefore not objected to the application as they did not consider the proposal would result in a severe impact on highway safety.

Paragraph 32 of NPPF stated that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development were severe.

Noise disturbance and air quality were issues raised by Members when the last application was previously considered by the Planning Committee, and subsequently formed one of the reasons for refusal.

The Applicants had submitted an Air Quality Report, which had not formed part of the earlier application. The report was reviewed by the Council's Scientific Officer, who generally agreed with the conclusions, in that if some precautionary mitigation measures were employed, the impacts on local air quality associated with the proposed development were not unacceptable.

Discussions had taken place between Officers and a representative of the villages HCV Group, which had undertaken some air quality monitoring of its own, independently funded, as well as monitoring various other environmental issues such as noise and vibration, primarily related to commercial vehicles travelling through the villages.

The Scientific Officer had confirmed that regarding the data provided by the HCV Group, the techniques and instrumentation were not those typically associated with the local air quality management framework, which was what the District Council worked by. It was therefore difficult to form any specific conclusions in relation to the development proposal in Witchford. However, there was reason to indicate that particulate concentrations might be more significant in close proximity to the A142 than would be typically considered the case due to a higher HCV proportion on the road than

equivalent A-roads. If Members were minded to approve the application air quality monitoring would be addressed.

As the application was an outline application mitigation measures to address noise impacts would be required at the reserved matters stage. Given the proximity of the highway, it was likely that mitigation measures would be required and could be achieved through a variety of measures such as the development could be designed to mitigate noise via noise insulation, internal layouts etc and the possible use of buffer in the site layout.

In light of these facts Environmental Health did not object to the application in terms of noise or air quality.

Concerns had been raised during this and the previous planning application relating to local infrastructure, with particular concerns in relation to the capacity of the local schools.

As the application site was not an allocated site it did not form part of the CIL calculations. In order to address the impact that the development would have on education provision in Witchford it would be possible to seek infrastructure contributions via a S106 agreement, which the Applicant was willing to pay.

The County Council had advised that based on the general multipliers, the development was likely to result in a demand for 32 Pre-School places and 45 Primary School places. In order to address the capacity issues for Pre-School and Primary School places, the County had advised a contribution of £1,711,109 was required for 128 dwellings.

When the proposal was previously considered by the Planning Committee, the County Council Historic Environment Team had highlighted the archaeological potential of the site and objected to the application on the basis that insufficient archaeological information had been provided. Further archaeological evaluation had since taken place and archaeological deposits were found to be present within the site bounds in two distinct areas. The County had advised that these areas would require further archaeological mitigation in the form of a program of archaeological excavation. However, due to the nature of the deposits County had no objections on archaeological grounds to the mitigation being undertaken post-consent, in the form of a pre-commencement condition.

In conclusion the Senior Planning Officer stated that the presence of a five year housing supply meant the application was assessed against development plan policies and not 'presumption in favour of sustainable development' in the NPPF. The application was outside the development envelope and contrary to policies CS1, CS2 of the Core Strategy and GROWTH1 and GROWTH2 of the draft Local Plan. There were no material planning considerations of sufficient weight to override these policies and therefore the application was recommended for refusal for the reasons set out in the Committee Report, subject to the previously advised minor

amendment regarding reference to the Draft Local Plan pre-submission version (as modified) and not the Draft East Cambridgeshire Local Plan February 2014 (incorporating Modifications in October 2013, April 2014 and September 2014).

At the invitation of the Chairman, an Objector Mrs Lesley Tremlett addressed the Committee and a summary of her comments were as follows:

- The economic sustainability of the village was a significant consideration when the previous application was considered by the Committee.
- Was surprised at the figures provided by the County Council as to the increased demand that the development would generate for Pre-School places and Primary School places. Expected that 128 dwellings would generate more demand than the County Council anticipated.
- No mention had been made to the width restriction of the road at the junction of Field End.

At the invitation of the Chairman, one of the District Ward Councillors, Cllr Pauline Wilson addressed the Committee and a summary of her comments were as follows:

- Nothing had changed since the Planning Committee considered the previous application - Witchford was a village with one small shop which was also a Post Office and a Chinese take-away. There was no Doctors Surgery and the School and College were full to capacity.
- The exit from Field End, turning left onto Common Road, lead to the junction of the A142. The A142 was already very busy and there had been numerous accidents along it due to the sheer volume and speed that vehicles travelled.
- The development would result in approximately an extra 250 cars turning right onto the A142 which would be an accident waiting to happen. It was not safe to for more vehicles to turn right onto the A142 from Common Road.
- Most residents of Haddenham never turned right at the Witcham Toll junction as it was difficult to turn right. Instead they travelled to Grunty Fen and out at Lancaster Way roundabout. If the application was approved there would need to be a roundabout at the junction of Common Road/A142.
- Villages could cope with a few extra houses, but 128 houses was ridiculous as the infrastructure was not in place for such a large housing development.
- The Council would be putting itself at serious risk of future prosecution if it allowed the Witchford site to proceed. The reasons for this were based upon the site's proximity to the A142.
- The land of the proposed development had purposely been left as a 'green lung' between the very busy and growing busier trunk route and the village. When the new Ely by-pass was constructed the

traffic, especially Heavy Goods Vehicles on the A142 would increase significantly.

- The A142 was the source of two major health issues, noise and particulates.
- Mentioned the following comments received from Alan James who was unable to attend the meeting:
  1. Agreed that the HCV Group measurements were not carried out to the designated measurement standard of PM10 or PM2.5. However, they were not intended to as the budget meant the Group could only carry out short term 'snapshot' monitoring and, secondly, the Group had not expected to find such significant concentrations. The measurements were carried out using a recognised occupational hygiene method for measuring airborne dust concentrations hazardous to health. They were designed to demonstrate the levels of hazard which existed in villages which had been done comprehensively. They were a scientifically valid pre-cursor to a full environmental study, which should be done.
  2. Regarding the additional report produced by GEM Air Quality for the Applicant, the report referred to the UK Air Quality Standards Regulations 2007 when drawing its conclusions. However, the 2007 regulations had been superseded by the UK Air Quality Standards Regulations 2010, which came into force on 11 June 2010. Appalled that professional consultants would make such a mistake or seek to deliberately mislead the Council on such a serious issue.
  3. The UK was being prosecuted by the EU for failing to meet its air pollution improvement targets. Oxides of nitrogen levels were being used as the test case, probably because the best available data were only those for oxides of nitrogen. The UK had failed to comprehensively measure particulate levels and other pollutants nationally. It was therefore important that the Council was aware of the risk they would be taking if they agreed to put people knowingly into a situation which was likely to seriously increase the potential to health damage.
  4. The Government had recently announced it would be increasing the national speed limit for HCVs from 40 mph to 50 mph on single track roads. This would significantly increase emissions from current levels as engine speeds increase and with it fuel burn and exhaust volume. It would also have the effect of approximately doubling the current noise levels.
- Regarding noise, the developer had recognised this was an issue and had tried to get around it by suggesting they would design the layout so that the badly noise affected houses would protect the others and would be better insulated, or would have to keep their windows shut. This was not good enough. Now that PPG24 had been withdrawn, homeowners would be able to use other accepted standards to demand compensation for noise-induced ill-health. Principally these would be the World Health Organisation (WHO) guidelines that stated at night, sleep disturbance was the main consideration and available

data suggested a bedroom noise limit of 35 decibels, not 50 decibels as stated in the agenda papers.

- If the development proceeded the District Council would put itself at high risk of prosecution for not protecting citizens in accordance with the WHO guidelines as previously implemented by PPG24 and the County would be at risk of having to incur future cost to protect citizens from traffic noise in accordance with The Environmental Noise (England) Regulations.
- Please support the officer's recommendation and refuse the planning application for all of the reasons mentioned.

At the invitation of the Chairman, Cllr Allen attending as both a District Ward Councillor and a representative of the Parish Council addressed the Committee and a summary of his comments were as follows:

- Reiterated the objections of the Parish Council that the proposal was outside the development envelope; inadequate infrastructure to cope with increased population from the development - impact on both schools in Witchford; the development would have significant implications for traffic and road safety within the village.
- An assessment of junctions had been provided regarding capacity, flow and volume, but no consideration had been given to the capacity of the junction to accommodate the increased flow of traffic.
- Relatively few people would attempt to turn right onto the A142 from Common Road as it was difficult and unsafe to try.
- Accidents had occurred at the junction and a friend's wife had been fatally injured in an accident at the junction.
- The A142/Common Road junction should not be expected to take the maximum highways standard.
- As a result most traffic leaving the development would travel out of the village via Main Street resulting in an increase in traffic through the village.
- Residents would suffer from increased noise and air pollution.
- The land of the proposed development was purposely left as a buffer strip for the village.
- Parish Council were objecting to the application despite Cambridgeshire County Council Highways not supporting their traffic concerns.
- The 'Village Vision' for Witchford indicated that a modest development in the village would be acceptable. 128 dwellings were not proportionate or fair.
- The 'Village Vision' had not been given sufficient regard within the planning application process of the application.
- Suspected the site was being banked in the event that there was a future housing supply shortfall.
- Presumption in favour of the development.

The Chairman stated that it was unfair to imply the site was being banked and requested Cllr Allen to retract the statement.

Cllr Rouse noted that the Planning Committee was not a party political committee; each Member sat with an independent mind and considered how the application would affect the wider community.

Cllr Allen stated that he stood by his comments, which were also the views of the Parish Council, as the previous application that the Planning Committee had considered and refused on the same site were for reasons that were unlikely to withstand an appeal.

At the invitation of the Chairman, Cllr B Hunt attending as the County Council Ward Member addressed the Committee and a summary of his comments were as follows:

- Planning Committee had presented before them representations from the ward County Councillor, District Councillors and Parish Councillor, who were all in agreement that the application should be refused.
- The Applicant had a record of not developing any sites that were granted permission.
- Responses from the Witchford Village Vision questionnaire indicated that only 5.8% supported large scale housing which was defined as more than 20 houses.
- The application site was located outside the development envelope for Witchford.
- Current development to the north of Witchford was protected by a green barrier.
- The proposal would increase pollution and noise created by the A142.
- The proposal would generate more traffic.
- When the North Ely development was built it would also generate more traffic.
- Irrespective of whether the main junctions could accommodate the flow of traffic, the A142 was a dangerous road.
- Greys Coach Company was located by the Common Road/A142 junction. Greys coaches were legally obliged to use the junction, but they would prefer not to as it was a dangerous junction.
- In order to address the capacity issues for Pre-School and Primary School places Cambridgeshire County Council required a contribution of £1,711,109, which equated to approximately £13,000 per dwelling. He questioned the viability of the development and enquired where 30% affordable housing was accommodated on the site?
- Only 60 dwellings were required to 2025 to address the housing supply in Witchford.
- The development did have a benefit that it would provide a small play area. However, this would probably be insufficient.
- Implored Councillors to reject the application.

Cllr G Wilson noted that there had been 26 injuries/accidents at the Common Road/A142 junction over the last 5 years which were not considered a materially high number. However, this should be a material reason. The development would increase the number of accidents at the junction. The junction was dangerous and people did not tend to turn right. The development would result in more traffic travelling through Field End and Victoria Green which was not acceptable to the residents living in the vicinity.

In response to a question by Cllr G Wilson, Mr Dyer from Cambridgeshire County Council Highways explained that the consolidated Transport Assessment submitted with the application had been considered as fit for purpose. County acknowledged that the increase in traffic would incrementally increase risk at the junction of Common Road with the A142, but was unlikely to be of a significant magnitude.

Cllr Stevens enquired whether it would be possible for noise mitigation measures to achieve 35 – 40 decibels. The Environmental Health Officer, Claire Braybrook, explained that British standards and the World Health Organisation advised levels of 50 decibels in outdoor living areas and 30 decibels internally. Detailed noise assessments would be required to establish the level of noise including when windows were open. If mitigation measures were unable to establish a level of acceptable noise with windows open alternative forms of ventilation would be required. The Environmental Health Officer noted that government guidance tended to consider traffic noise to be of a continuous, steady, broadband nature and therefore usually less intrusive than other noise sources.

In response to questions from Cllr T Hunt the Senior Planning Officer explained that at the time of the last application, the Council could not demonstrate that it had a five year supply of land for housing. As such, the application was assessed in line with the presumption in favour of sustainable development, set out in the NPPF. The approach taken by the Senior Planning Officer regarding the application, in comparison to the previous application which had been recommended for approval, differed as Section 38 (6) of the Planning and Compulsory Purchase Act required that decisions on planning applications should be made in accordance with the Development Plan, unless material considerations indicated otherwise. It would be unreasonable for the Council to expect the Applicant to have finalised a legal agreement to secure a contribution to address the adverse effects on the local education infrastructure, when the Council was recommending the application be refused.

Mr Dyer further explained the assessment of highway safety was twofold and involved both Transport Planners and Engineers. Each application was assessed against Cambridgeshire County Council's design guide and set standards. It did not consult the public as that was the purpose of the planning process. However, Officers visited the proposed site when making their assessment. The Senior Planning Officer noted that highway safety had been an issue submitted by the public during the consultation process.



Subsequently the application was proposed for refusal, as per the officer's recommendation.

Cllr T Hunt acknowledged that circumstances had changed regarding housing supply. Cllr T Hunt did not accept the view of Cambridgeshire County Council Highways that the Common Road/A142 junction was satisfactory. Only 5.8% of the responses following the Witchford Village Vision questionnaire supported large scale housing of more than 20 houses. Cllr T Hunt stated that Members needed to agree with the officer's reasons for refusal as the development was detrimental to the district and out of kilter with local wishes.

Cllr Friend-Smith stated that he received constant complaints from residents of Collier Close regarding noise and that was a development with a bund. When the road was resurfaced he hoped that more appropriate surfacing would be used. Cllr Friend-Smith stated that he would abstain from voting due to insufficient information as he was not present at the Committee meeting that had considered the previous application.

Cllr Beckett noted that at the last Planning Committee a large scale development in the north of Ely was approved with 10 – 15% affordable housing where there had not been any objections to noise and pollution. The main difference between this application and the one previously considered on the same site was that the Council could now demonstrate a 5 year housing supply. The Chairman noted that the minimum level of affordable housing that would be delivered by the developments approved in north Ely was 15%.

Cllr G Wilson had tried to be open minded about the application, but local opinions mattered. Cllr G Wilson stated that his opinion had not changed as there were no differences between the two applications. Common Road/A142 junction was a dangerous junction where few people turned right onto the A142. The additional traffic that would travel via Victoria Green as a result of the development was unacceptable. Cllr G Wilson stated that the residents of Witchford needed to be protected.

Cllr Stevens stated that he resided 2 miles from the A14 and the noise level was 42 decibels in his garden. He therefore found it impossible to believe that any measures would be sufficient to reduce the noise level on the proposed development to 50 decibels. Cllr Stevens stated that a noise survey should be requested if the application was approved to consider mitigation measures.

The application having already been proposed for refusal, as per the officer's recommendation, was seconded and on being put to the vote was carried.

It was resolved:

That planning application reference 14/00931/OUM be refused for the following reasons:

1. The construction of up to 128 residential dwellings on an unallocated site in the countryside would be contrary to policies CS1 and CS2 of the East Cambridgeshire Core Strategy 2009, which restricts residential development in such locations. It would also be contrary to policies GROWTH1 and GROWTH2 of the East Cambridgeshire Draft Local Plan pre-submission version (as modified). It is considered that there are no material planning reasons that would justify setting aside these sound planning policies.

The Council has taken a constructive approach to new development in the district, allocating sufficient sites to meet the identified housing need and support rural communities. The Council has worked extensively with Parish and Town Councils and local communities to identify local needs and priorities and these are reflected in the 'Village Visions' within the draft Local Plan. The lack of any allocations in Witchford therefore reflects the local perceptions of the need for large scale growth. This proposal, for a large residential development on land outside the Witchford Village Envelope is therefore not only contrary to the policies within the adopted Core Strategy and the emerging Local Plan, but is also at odds with the local aspirations for the future development of Witchford.

2. The proposed development would result in adverse effects in terms of local education provision, as there is insufficient capacity to meet the needs of the additional population resulting from the development. The proposal would therefore be contrary to policy CS7 of the East Cambridgeshire Core Strategy 2009 and policy GROWTH 3 of the East Cambridgeshire Draft Local Plan pre-submission version (as modified).

*At the conclusion of the above item, at 4.23pm, the meeting was adjourned to allow for a comfort break. The meeting resumed at 4.31pm.*

70. **14/01027/OUT - 42 LODE WAY, HADDENHAM**

Jon Pavey-Smith, Planning Officer presented a report (P136) which provided details of an application for the erection of a dwelling on land located next to 42 Lode Way Haddenham, with all matters reserved. A Members' site visit had taken place prior to the meeting.

The proposed development was located outside the development envelope on unallocated land. The site was at the entrance to Youngs Coach Company.

Illustrations were displayed at the meeting which depicted the application site and an aerial plan of the site.

The Planning Officer explained that the key considerations in determining the application were the principle of development in the countryside; impact on residential amenity; impact on highway safety and impact on the character of the area.

The site was located outside the settlement boundary, and therefore designated as being in the open countryside, where development was severely restricted and new houses required special justification. Core Strategy Policy CS1 set out the exceptions allowed, which included development which was essential to the efficient operation of local agriculture, horticulture, forestry, mineral extraction, and outdoor recreation, or to other uses specifically identified in the local plan which supported the rural economy, help meet affordable housing or special housing need, or provided essential rural services or infrastructure. Policy CS2 of the Core Strategy and Policy GROWTH 2 of the East Cambridgeshire Local Plan set out the residential exceptions allowed outside settlement boundaries, which were affordable housing, sites for gypsies and travellers, dwellings for essential rural workers, alterations to or replacement of dwellings, or the re-use or replacement of existing buildings.

Although the business was located within the countryside, an employee of a Coach Depot was not considered to be a rural worker. As such the principle of development on the site was contrary to policy.

In terms of sustainability, the proposal constituted development in an unsustainable location, where there would be reliance on private car use contrary to the strategic objectives and Policy CS1 of the East Cambridgeshire Core Strategy 2009, Policy GROWTH 2 of the East Cambridgeshire Local Plan.

The size of the building plot was approximately 150m<sup>2</sup> which was below the recommended 300m<sup>2</sup> for a single dwelling as stated in the East Cambridgeshire Design Guide. The plot was considered too small to adequately achieve a satisfactory dwelling with satisfactory amenity space for the future occupier and would therefore impact on the end users residential amenity. Two off-street parking spaces would be required to be in accordance with East Cambridgeshire Car Parking Policies.

Cambridgeshire County Council Highways required a separate access for the dwelling independent of the coach business and required certain planning conditions on any type of approval such as means of access, materials of construction and visibility splays.

In conclusion the Planning Officer stated that the application constituted unacceptable development in the countryside that did not fall within any of the listed exceptions; the location was unsustainable, promoting reliance on the use of a car and the proposal was a cramped form of development. The application was therefore recommended for refusal for the reasons listed within the officer's report.

At the invitation of the Chairman, Cllr P Wilson, who had called the application into Committee for determination and was also one of the District Ward Members, addressed the Committee and a summary of her comments were as follows:

- The Agent had intended to address the Committee but had unfortunately had to leave the meeting due to another engagement as he had not expected the Planning Committee to be such a lengthy meeting.
- Mr Young already used his car to drive to the business premises due to its location.
- The development envelope of the village was not strictly in place.
- The Council wanted to support local businesses.
- Mr Young had lived in the village all his life. His father owned the business which Mr Young managed for his aging father.
- A good proportion of the business provided coaches to First Capital Connect, Abellio Greater Anglia and Cross Country as a replacement bus service when there were problems on the rail network. This was often at short notice.
- Coaches returned to the depot throughout the night, sometimes midnight or one o'clock in the morning. Mr Young's parents were getting old and they found the hours that Mr Young worked disruptive.
- Mr Young wanted to provide a home for his partner so that they could start a family.
- Mr Young needed to be on-site.
- The coach business employed 15 employees.
- Recently the Planning Inspector approved 4 residential dwellings nearby in Hod Hall Lane, which was outside the development envelope.
- Urged Members to approve the application and support the local business.
- Important for Mr Young to be on-site 24 hours a day.

Cllr Beckett noted that the officer's report did not imply that the dwelling was for Mr Young to reside in, in order to manage the business. Cllr P Wilson was of the impression that this information had been conveyed to the Planning department.

Regarding sustainability, Cllr Every stated that if Mr Young was unable to reside on-site he would need a vehicle to drive to and from the business premises.

Cllr Stevens noted that the application was a modest request on a small plot and enquired as to the reason for this. Cllr P Wilson stated that it was modest in size as this was what the Applicant required.

Cllr Rouse suggested that it appeared the Applicant had not been appropriately advised by the expertise he had recruited. Cllr P Wilson noted that Mr Young's Agent had not made him aware when the application was being submitted to Committee.

The Planning Officer confirmed that no information had been submitted with the application to support that the dwelling was for Mr Young to reside in.

The Chairman stated that there appeared to be a lack of understanding of the planning process and enquired whether Members wished to defer the application.

Cllr Beckett proposed deferral of the application on the basis that the Applicant should seek expert advice regarding the size of the plot and what would be considered acceptable, as the Committee wished to support a local business.

Cllr G Wilson did not want to give the Applicant false hope if the Committee were going to refuse the application at a later date. The dwelling would form part of the business for Mr Young to live in. Eight coaches were already parked at the premises so there was ample room to park two cars. Cllr G Wilson stated that if the dwelling was part of the business there was no need to create a separate access.

The Chairman explained that officers had advised that any amendment to the application site boundary would require the submission of another application.

Cllr T Hunt stated that the application was a very modest one unit linked to a family business and that the Committee should not refuse the application.

Cllr G Wilson suggested that Members request a new application.

The Chairman proposed that the Committee defer the application to allow the Applicant to submit a full application with more detail for the Committee to consider. Dependant on the Applicant and Agent, Officers would endeavour to present the report to the soonest possible Committee.

Cllr Beckett, as the original proposer accepted the amendments to the motion, which was seconded and on being put to the vote was carried.

It was resolved:

That planning application reference 14/01027/OUT be deferred to allow the Applicant to submit a full application with more detail for the Committee to consider.

*At the conclusion of the above item, the Chairman (having previously declared a personal interest and his intention to vacate the chair) left the Council Chamber. Subsequently the Vice-Chairman, Cllr Rouse, took chairmanship of the meeting.*

71. **14/01060/FUL - LAND TO REAR OF 1 AND 3 BANCROFT LANE, SOHAM**

Lesley Westcott, Planning Officer presented a report (P137) which provided details of an application for the erection of two 4 bed detached houses (with accommodation in the roof), 2 detached double garages, vehicular access, parking and turning area on land to the rear of 1 and 3 Bancroft Lane. A Members' site visit had taken place prior to the meeting.

Illustrations were displayed at the meeting which depicted the application site, an aerial plan of the site and the proposed development and layout.

The key considerations in determining the application were the principle of development, loss of employment, design, impact on the character of the area, residential amenity and highway safety.

The application site was located within the development envelope of Soham and comprised a builder's yard to the rear of 1 and 3 Bancroft Lane, which there was no planning permission for.

The principle of development was acceptable, provided that all other material considerations were satisfied. Planning permission for a dwelling to the rear of 3 Bancroft Lane accessed from the private drive between 1 and 2 Bancroft Road was refused under 88/01653/OUT on the grounds of piecemeal development, out of character with the area, residential amenity (privacy) and highway safety (visibility splays). The decision was appealed and later dismissed by the Planning Inspectorate. Planning application 14/00496/FUL was refused on 30 June 2014 on the grounds of form, character and detrimental impact on residential amenity. It was considered that the reasons were still pertinent to the planning application currently being considered by the Planning Committee.

The application site was currently a builder's yard which was used for storage of building materials. The Council sought to retain land or premises used for employment purposes unless it could be demonstrated that continued use of the site for employment purposes was no longer viable. Correspondence contained within 04/00388/OUT indicated that the builder's yard had been unused for some years at the time of the previous application

14/00496/FUL. However, the Agent had indicated that the site had been used continuously for the past 10-15 years. Although inactivity alone was not considered to be sufficient evidence to demonstrate that a site was no longer suitable for employment use, there were more suitable locations for a builder's yard than what was effectively a private rear garden.

Given the location of the site, the size of the site, its shared access with 1 and 2 Bancroft Lane and close proximity to residential properties it was considered that a business/employment use at the location might have an adverse impact on residential amenity. On balance, it was considered that an alternative business use would be inappropriate on this site. The loss of employment on this site was therefore considered to be acceptable.

The predominant character of Bancroft Lane near the application site was development along the road frontage with ancillary buildings to the rear. The exception was a backland development of 4 dwellings to the east of the application site between 15 and 25 which was granted under planning application 83/00664/OUT. However, this was a comprehensive development of sufficient scale to create its own character within the context of the street scene whilst the current proposal was an isolated scheme on a narrow plot. There would be restricted views of the proposed dwellings from the existing street scene due to their positioning behind 1 and 3 Bancroft Lane which were two storey properties. However, the glimpsed view of the 2 dwellings to the rear would be out of keeping with the character of the area.

It was considered that the Applicant had not explored the possibility of a more comprehensive development with the adjacent properties as required in the Design Guide SPD. The Applicant had acquired 1 Bancroft Lane since the refusal of planning application 14/00496/FUL. Even with the additional area of land an acceptable comprehensive scheme had not been achieved due to the constrained width of both curtilages. To illustrate the nearby 4 dwelling scheme was developed within a plot with a width of approximately 60m compared to the width of 22.6 - 26m of the current planning application site.

The proposed dwellings and garages were identical; the main houses were 9.5m in width and 8m in depth. It was considered that the design of the proposed dwellings would fail to enhance the character of the area. The design of the proposed dwellings was not considered to be either a distinctive piece of high quality contemporary architecture, nor had the proportions or detailing of traditional buildings. It was considered that the proposed dwellings were bulky in design, which was exacerbated by the proposed main roof which was considered to be contrived and heavy in detail.

It was proposed to retain the host dwelling with no new or altered vehicular access. The access was shared by 1 and 3 Bancroft Lane and the introduction of increased vehicular movements in such close proximity to the habitable rooms of 1 and 3 Bancroft Lane would have a detrimental impact on residential amenity through noise and general disturbance.

A recent appeal decision had been dismissed for the construction of 2 semi-detached houses at 22 Cambridge Road, Ely which had a similar proposed access arrangement between 20 and 22 Cambridge Road, details were attached as Appendix 1 of the officer's report. It was noted that whilst it was not one of the Council's reasons for refusal, the Inspector referred to the proximity of the access drive to the sides of those properties and the disturbance that would result from its use.

The County Council Highways Engineer had not raised any objections to the proposed scheme as an additional plan had been submitted which had indicated satisfactory pedestrian visibility splays.

In conclusion the Planning Officer stated that the application constituted a contrived form of backland development which was at odds with the character and appearance of the area, was detrimental to residential amenity and provided neither high quality contemporary architecture, nor traditional design. The application was therefore recommended for refusal for the reasons listed within the officer's report.

At the invitation of the Vice-Chairman, the Agent Mr Jamie Palmer addressed the Committee and a summary of his comments were as follows:

- The proposal adhered to the planning policies of the local planning authority.
- The site exceeded the required 390m<sup>2</sup> and the footprint of the development used only 22% of the site.
- The Conservation Officer thought the application to be interesting and intriguing.
- The design of the dwellings had been deliberately chosen to reflect the modern design of the neighbourhood.
- Reference to the recent appeal decision regarding 22 Cambridge Road, Ely was misleading as the access was narrower.
- The Applicant had been amenable.
- A builder's yard had been in situ to the rear of 1 and 3 Bancroft Lane for 70 years. The site was not suitable for this use and the owner was nearing retirement so the business could be sold at any time.
- The Highways Engineer had not requested any highway improvements.

In response to a question by Cllr Beckett, the Agent confirmed that each of the proposed dwellings had a double garage and 2 parking spaces.

In response to a question by Cllr Stevens, the Agent explained that the vehicle movements created by the proposed development would be less intrusive for the occupiers of 1 and 3 Bancroft Lane than was currently created by the builder's yard and confirmed that the builder's yard had been in situ for 70 years.



Cllr Beckett stated that following the site visit he was satisfied that the site was an adequate size for the proposal. The application site was located within the development envelope of Soham, the eaves of the proposed dwellings would not be higher than the host dwellings and therefore Cllr Beckett stated there was no reason to refuse the application.

Cllr T Hunt stated that he was happy to support the application as it was modest, it was sustainable, the site could comfortably accommodate the proposal and that the style of design was a matter of opinion.

Cllr Beckett proposed that the application be approved on the basis that the proposal was not overbearing; was not out of keeping with the character of the area and was within the development envelope, in a sustainable location. The proposal was seconded.

Cllr Stevens noted that the application site had a significant depth and therefore the proposals would not be as bulky as perceived.

The application, having already been proposed and seconded for approval, on being put to the vote was carried.

It was resolved:

That planning application reference 14/01060/FUL be approved and that appropriate conditions be delegated to the Planning Manager in consultation with the Vice-Chairman of Planning Committee as the proposal:

- was not overbearing;
- was not out of keeping with the character of the area;
- within the development envelope, in a sustainable location.

*At the conclusion of the above application, the Vice-Chairman vacated the chair. The Chairman returned to the Council Chamber and took chairmanship of the meeting.*

72. **14/01097/FUL - LAND BETWEEN 31 AND 33 BAKER DRIVE, BURWELL**

Richard West, Planning Officer presented a report (P138) which provided details of an application for the erection of a 3 bedroom detached bungalow on land identified as between 31 and 33 Baker Drive. A Members' site visit had taken place prior to the meeting.

The Planning Officer referred Members to the paper tabled at the meeting which detailed additional consultation responses and typographical errors. A petition had been received on 27 November 2014 objecting to the application but with no material planning reasons given. The petition

comprised 15 signatories, including 3 people who had already commented on the application.

The Planning Officer noted the following amendments to the report:

- Paragraph 9.8 – ‘The current proposal is single storey, measuring ~~5.9m~~ **5.765m** to the ridge, ...’
- Paragraph 9.12 - ‘...The bungalow will have a pitched roof with the western end hipped and ~~have two chimneys, one above the hip and one on the front roof slope~~ **a chimney above....**’
- Paragraph 9.14 – ‘...The interruption of the transitional character will be particularly visible when viewed from the cemetery due to the gable of the proposed bungalow being located 0.4m from the boundary **vegetation, 1m from the boundary....**’
- Paragraph 9.32 – ‘... The interruption of the transitional character will be particularly visible when viewed from the cemetery due to the gable of the proposed bungalow being located 0.4m from the boundary **vegetation, 1m from the boundary....**’
- Paragraph 10, Reason 1 for refusal – ‘... The interruption of the transitional character will be particularly visible when viewed from the cemetery due to the gable of the proposed bungalow being located 0.4m from the boundary **vegetation, 1m from the boundary....**’

Illustrations were displayed at the meeting which depicted the application site, an aerial plan of the site, the proposed development and computerised images of the proposal.

The site was located within and adjoining the edge of the development envelope of Burwell. The east boundary of the site adjoined open countryside and comprised the development envelope boundary.

The main issues in assessing the application were the planning history, principle of development and the impacts on the visual appearance and character of the area, amenity, highways and car parking and biodiversity.

In response to questions at the site visit the Planning Officer explained that the site was 460m<sup>2</sup> and there would be 140m<sup>2</sup> of amenity space.

The application site had been subject to several previous applications. The first application was for the construction of a two storey, chalet style bungalow. The application was refused by the local planning authority and dismissed at appeal by a Planning Inspector due to unacceptable harm to the character and appearance of the locality and unacceptable harm to the amenity of the neighbouring property - 33 Baker Drive.

The most recent application was for the construction of a one bedroom, single storey bungalow, following the building line of 31 Baker Drive. The application was refused by the local planning authority for being at odds with the spatial layout of the area, detrimental to the transitional character of the area, detrimental to neighbouring amenity, lack of on-site car parking provision and lack of developer contributions.

One reason for refusal was that there had been no significant change to policy or circumstance since a similar proposal was dismissed at appeal in 2009. The application for determination was smaller than the application submitted in 2008, but larger than the application submitted in 2012.

The application site was located within the existing and proposed development envelope of Burwell where development was acceptable in principle, subject to other material planning considerations and was in accordance with policies CS2 of the Core Strategy and GROWTH2 of the Local Plan.

Due to the close proximity of the proposed dwelling to the neighbouring properties, it was considered that the dwelling would appear squashed and unduly cramped which was contrary to the spatial layout of the surrounding built form. In addition the introduction of built form into the open garden land between the existing bungalows would interrupt the gradual transition to the countryside.

It was considered that the proposed dwelling would provide a reasonable level of amenity for the occupiers of the dwelling and would not have a detrimental impact on the occupiers of 31 Baker Drive. However, it was considered that the proposed dwelling would have a significant detrimental impact on the amenity of the occupiers of 33 Baker Drive sufficient to justify a refusal of planning permission.

A Sunlight Analysis was submitted as part of the application which illustrated there would not be a detrimental impact with regards to overshadowing.

Cambridgeshire County Council Highways were consulted on the application and raised no objection. Baker Drive was not a classified road and as such it was considered acceptable for vehicles to reverse onto the highway without being detrimental to highway safety. It was considered that the proposed dwelling would not have a detrimental impact on highway safety.

The area to be developed was currently used as garden land serving 31 Baker Drive. There was no visible evidence of protected species and due to the location of the site forming the boundary of the settlement it was considered the area was unlikely to be of biodiversity value.

In conclusion the Planning Officer stated that the application was acceptable in principle and in terms of impact on highways and car parking,

biodiversity and residential amenity of 31 Baker Drive. However, was unacceptable in terms of the impact on the visual appearance and character of the area and residential amenity of 33 Baker Drive. The application was therefore recommended for refusal for the reasons listed within the officer's report, with the minor amendment previously explained.

At the invitation of the Chairman, the Agent Mr Philip Kratz addressed the Committee and a summary of his comments were as follows:

- If the application was refused there was a good basis for a successful appeal.
- Three times previously had an application for a bungalow been acceptable in principle.
- When considering an application did it meet the good neighbour test? The application did not result in overlooking its neighbours, there was no loss of privacy and there was no overshadowing.
- The proposal was a low level bungalow similar to others in the close.
- Difficult for the eaves of the proposal to dominate.
- The proposal reflected the character of the area.
- The objections and the petition provided no material planning considerations.
- The Parish Council did not object to the application.

In response to questions by Cllr Stevens regarding potential overlooking from 31 Baker Drive on the new dwelling and vice versa, the Planning Officer explained that the positioning of the windows in the new dwelling did not create a situation of overlooking and that there were ample windows. It was considered that the proposed dwelling would provide a reasonable level of amenity for the occupiers of the dwelling and would not have a detrimental impact on the occupiers of 31 Baker Drive.

In response to a question by Cllr T Hunt, the Planning Officer explained that the occupiers of 33 Baker Drive had objected to the application.

In response to a question by Cllr Edwards, the Planning Officer confirmed that all signatories on the petition were Baker Drive residents.

Cllr T Hunt agreed with the officer's recommendation that the proposed dwelling would appear squashed and unduly cramped. Cllr T Hunt stated that the proposal did not accord with the street scene and the character of the area would be affected. Cllr T Hunt also had concerns regarding the parking arrangements and noted the 15 objections received from fellow Baker Drive residents.

Cllr Stevens agreed with Cllr T Hunt. Cllr Stevens accepted that a bungalow could be developed on the proposed site. However, a lower ridge height would be more appropriate.

The Chairman summarised that Members were proposing that the application be refused as per the officer's recommendation, as amended, but acknowledged that the bungalow was acceptable in-principle due to its location within the development envelope. However, it was cramped and did not accord with the Council's SPD.

The proposal to refuse the application was proposed and seconded, and on being put to the vote fell.

Subsequently it was proposed and seconded that the application be approved as it was considered that the proposed dwelling would have sufficient private amenity space in accordance with the requirements as laid out in the Design Guide SPD and was sited within the development envelope.

On being put to the vote, the proposal to approve the application was proposed and seconded, and was carried.

It was resolved:

That planning application reference 14/01097/FUL be approved and that appropriate conditions be delegated to the Planning Manager in consultation with the Chairman of Planning Committee as:

- The proposed dwelling would have sufficient private amenity space in accordance with the requirements as laid out in the Design Guide SPD;
- Was sited within the development envelope.

### 73. **REVIEW OF PLANNING APPEAL DECISIONS**

Planning Committee considered a report (P140) in accordance with the request from Regulatory and Support Services Committee at its meeting on 30 October 2014.

The report provided a general analysis of appeal performance over the last 5 years and more detailed information in relation to the last 2 years.

The Planning Manager noted that appeal performance was good and it was not unexpected that there were more appeals from Planning Committee decisions than from officer decisions, given that the applications considered by Planning Committee were more controversial.

It was recommended that Planning Committee receive a report on the Summary of Appeals at each Planning Committee meeting for its information.

Cllr Brown suggested that the report be presented to Planning Committee every quarter rather than every month. This was accepted by the Committee.

Cllr Beckett stated that the Planning Team had done well and the number of appeals was at an acceptable level. Cllr Beckett expressed thanks and congratulations to the Planning Team on behalf the Planning Committee and wished it to be recorded.

It was resolved:

That the Planning Committee:

- i. Notes the contents of the Report.
- ii. Agrees that a quarterly Summary of Appeals report be presented to Planning Committee for its information.

The meeting closed at 5.36pm.