



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee
held in the Council Chamber, The Grange,
Nutholt Lane, Ely on Wednesday, 6th September 2017
at 2.00pm.

P R E S E N T

Councillor Mike Rouse (Vice Chairman in the Chair)
Councillor Christine Ambrose Smith
Councillor Sue Austen
Councillor Derrick Beckett
Councillor David Chaplin
Councillor Paul Cox
Councillor Lavinia Edwards
Councillor Mark Goldsack (substitute for Councillor Joshua Schumann)
Councillor Neil Hitchin (substitute for Councillor Lisa Stubbs)
Councillor Bill Hunt
Councillor Stuart Smith

OFFICERS

Julie Barrow – Senior Planning Officer
Tim Driver – Planning Solicitor
Richard Fitzjohn – Planning Officer
Ruth Gunton – Planning Officer
Oli Haydon – Planning Officer
Neil Horseywell – Trees Officer
Toni Hylton – Planning Officer
Janis Murfet – Democratic Services Officer
Gareth Pritchard – Planning Officer
Rebecca Saunt – Planning Manager

ALSO IN ATTENDANCE

Councillor Lorna Dupré (Agenda Item No.9)
Approximately 30 members of the public

47. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Councillors Joshua Schumann and Lisa Stubbs.

It was noted that Councillor Goldsack would substitute for Councillor Schumann, and Councillor Hitchin for Councillor Stubbs for the duration of the meeting.

The Chairman welcomed Councillor Goldsack to his first meeting of the Planning Committee.

48. DECLARATIONS OF INTEREST

Councillor Smith declared an interest in Agenda Item No. 15 (17/01180/FUL, 8 Chewells Close, Haddenham, CB6 3XE), saying that he lived opposite the application site.

49. MINUTES

Members noted that a request had been received, after the publication of the agenda, asking for a number of amendments to be made to the draft minutes in respect of application reference 17/00703/FUM (Land East of The Paddocks, Cheveley).

Officers, having discussed the proposed changes with the Planning Solicitor, agreed that the majority would be accepted and the amendments made would reflect this.

The draft Minutes published on the Council's website had therefore been updated and a copy was tabled for each Member at the meeting. Whereupon,

It was resolved:

That the Minutes of the Planning Committee meeting held on 2nd August 2017 be confirmed as a correct record and signed by the Chairman.

50. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- There would be an additional meeting of the Planning Committee on Monday, 18th September 2017 at 2.00pm;
- The Planning Committee on 4th October 2017, would be an all day meeting, with the site visits taking place on 3rd October;
- Mark Lynch, agency Planning Officer had joined the Planning Team.
- The Chairman reiterated that today's meeting was likely to be lengthy. Members had studied the reports, made site visits and would listen to what everyone had to say. He hoped the Committee would be able to swiftly move to decisions without Members being rushed, and each case would be judged on its own merits.

51. 15/01175/OUM – LAND AT NEWMARKET ROAD, BURWELL

Rebecca Saunt, Planning Manager, presented a report (S79, previously circulated) which sought outline planning permission for up to 350 dwellings with associated open space, sports provision, access and infrastructure. The applicant was seeking access to be determined, with all other matters reserved.

The site adjoined the existing built form of Burwell and wrapped around the residential development of Felsham Chase to the west, further residential development to the north west and Melton farm to the south west. Open countryside adjoined the site to the east and north, with Newmarket Road defining the south west boundary of the site.

A high pressure gas main ran north to south along the eastern boundary of the site.

It was noted that the site was allocated for residential development in the east Cambridgeshire Local Plan 2015.

The application had been brought to Planning Committee as it exceeded the thresholds of residential development as set out in the Council's Constitution.

A number of illustrations were displayed at the meeting, including a map, an aerial image, the indicative layout of the proposal, and photographs relating to the street scene and visual impact.

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

- Principle of Development
- Visual Amenity
- Residential Amenity
- Highway Safety
- Drainage And Flood Risk
- Ecology And Biodiversity

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

The Planning Manager stated that the Burwell Masterplan (2013) included a proposal for 350 dwellings to be located on land off Newmarket road. This fed into the allocation within the East Cambridgeshire Local Plan which was adopted in April 2015 and the application site was allocated as Policy BUR1.

The application proposed 25% affordable housing, self build plots, open space and a new sports hub for Burwell. With regard to the issue of affordable housing, it was noted that a policy compliant scheme would provide 40% affordable dwellings in accordance with Policy HOU3. However, the applicant submitted an affordable housing viability assessment which the Council had formally reviewed by an independent party to establish the viable level of affordable housing on site. Following detailed discussions, it was accepted that the proposal would contribute 25% affordable dwellings, subject to a review mechanism prior to phase 2.

Speaking of visual impact, the Planning Manager said that the scheme would see a change from an undeveloped agricultural field to a residential development, creating a more urban environment and extending the village to the east. A significant landscape and ecology buffer was proposed to run around the perimeter of the site to help assimilate the development and create a new landscaped edge to the settlement.

In terms of residential amenity, there would be sufficient space to adequately mitigate for any adverse impact with the use of soft landscaping, separation distances and dwelling heights; this would come forward at the reserved matters stage. It was proposed that 'Melton Farm Green' would act as a buffer between the farm and the noise sensitive properties.

Concerns had been raised about the proposed footpath and cycleway between the new development and Ness Road, and the impact this would have on residents in Ness Court and those who backed onto this space. Members were reminded that an emergency access had been required for the Felsham Chase development but it had never been surfaced as part of the previous permission. However, it would be surfaced as part of this proposed development and upgraded to become a cycle/pedestrian link to Ness road in accordance with policy. Whilst it was accepted that this would increase the number of pedestrians and cyclists using the access, it would provide linkages for existing residents to the proposed development and future residents to the existing village of Burwell.

The main access to the application site was off Newmarket Road, and the applicant had originally proposed a roundabout. Following a review of the junction analysis, which had been provided by the applicant, the Highways Authority considered that the proposed roundabout would not be supported in highway capacity terms due to the overprovision of operational capacity within the junction and associated inherent safety and connectivity implications. The applicant therefore submitted amended plans for the removal of the roundabout and replacing it with a staggered ghost right turn junction to access the proposed development. The Highways Authority confirmed the layout of the staggered ghost right turn junction to be acceptable.

It was noted that surface water could be dealt with on site as it had been demonstrated that infiltration was feasible. The applicant would be required to provide a detailed maintenance plan for all of the drainage features on site. Foul drainage from this development was within the catchment of Burwell Recycling Centre and there was available capacity for these flows.

With regard to ecology and biodiversity, the Phase I survey concluded that further survey work was not required in relation to flora and most fauna, but additional survey work was recommended and undertaken in respect of reptile surveys and breeding bird surveys. It was also recommended that a series of mitigation measures to ensure the ecological value of the site be maintained.

In relation to other material matters, the provision of fire hydrants as requested by Cambridgeshire Fire & Rescue could be secured by planning condition and the Health & Safety Executive had not raised any objections to the proposed development on safety grounds or against the granting of planning permission in this case. There was a low risk of contaminated land, and the Council would be prepared to undertake the maintenance of the open space areas, subject to a commuted sum.

Members noted that Messrs Connolly and Allatt, Cambridgeshire County Council Highways, were present to answer questions.

At the invitation of the Chairman, Mr Alan Spalding, Ms Susan Richardson, and Mr Alan Kirk each spoke in objection to the application and made the following points:

Mr Spalding:

- He had lived in Burwell since 1995. His family was actively involved in the community and took pride and an interest in the village;
- The plan was not up to date and ECDC had been informed of this as it does not show a new house which has recently been constructed;
- He objected to arable land being covered in concrete;
- The speed along Newmarket Road was horrendous and a T junction would be no good and a roundabout was needed. Two lives had already been lost, and the Parish Council had raised concerns;
- This was also about what was happening in Soham and Burwell. If they had 350 homes, it would mean 700 cars coming out at the crossroads. It would be a nightmare;
- The proposal would not affect him personally on a daily basis but it would have a huge impact on the people of Burwell.

Ms Richardson:

- Her concerns related to infrastructure and transport;
- Transport infrastructure in the Burwell Masterplan had not been included as part of the Transport Assessment;
- The junction had not been surveyed;
- The proposal represented a 16% increase in population and public transport was inadequate, so people would have to rely on the use of

cars. On weekdays there was one bus per hour, with none on a Sunday. It was not possible to travel to Ely by public transport;

- This development would affect thousands of people's daily lives and Members should give it serious consideration;
- The GP surgery was already overloaded and the school could become oversubscribed.

Mr Kirk:

- He had been to the Parish Council offices, and the map there was not the same as the one being shown here;
- He lived in Burwell and there was no provision as part of this application for social housing;
- In his opinion, the pathway for cyclists would be dangerous.

At the invitation of the Chairman, Mr Robert Barber, agent, addressed the Committee and made the following comments:

- The concept being brought forward was originally borne from the Burwell Masterplan 2013. The decision was taken to formally allocate the site and the development boundary was extended;
- This scheme would deliver 350 dwellings and a sports hub;
- It complied with national and local policy;
- There had been no objections from any of the statutory consultees;
- There would be significant benefits, including market housing and 25% affordable housing in Phase 1;
- There would be a 3.8 hectare sports hub and 6.3 hectares of additional open space, along with cyclepath improvements and bus stops;
- The scheme would attract significant CIL payments and contributions;
- Burwell Primary School had recently been extended;
- The original application had included a roundabout, but following an objection from the Highways Authority, this had been amended to a right hand turn junction;
- The affordable housing had been subject to viability testing and the figure of 25% had been reached;
- Further phases of the development would deliver affordable housing, assessed on a phase by phase basis;
- The emerging Local Plan took account of the high pressure gas main.

Councillor Hunt sought clarification regarding the percentage of affordable housing and was advised that paragraph 7.11 of the Officer's report addressed the matter and there would be 87 units.

Councillor Edwards expressed concern about the lack of a roundabout. She said that Newmarket Road was a very fast road and with the increase in traffic, it would be difficult to exit the development; a roundabout would have been safer. She also asked if the cycleway and footpath would be completed prior to occupation.

Mr Barber replied that it had been the issue of the roundabout that had delayed the application coming to Committee. The applicant would have been happy to provide one but the Highways Authority objected to it. With regard to the cycleway and footpath, these would be provided at trigger points, to be determined during the S106 discussions.

Councillor Chaplin queried the 25% social housing in Phase 1, and Mr Barber stated that individual phases of the development would be subject to viability testing. The Planning Manager confirmed that the figure would not be lower than 25% for future phases of the development.

Continuing on this issue, Councillor Beckett asked why private developers could deliver 40% and yet the County Council was only delivering 25%; a site of this size did not seem to be delivering that much affordable housing. Mr Barber replied that it could be down to a whole range of matters. Each site had different requirements and he did not carry out the Viability Assessment

Turning next to the Sports Hub, Councillor Edwards said that people were concerned about how much of the S106 monies would go towards it, as it was smaller than what had been agreed. Mr Barber responded by saying that the area was in excess of that required by the Local Plan.

In response to comments made by Councillor Cox, Mr Allatt, County Highways Authority, said that the County Council would not support a roundabout but it was supportive of a T junction. There had been extensive assessments regarding capacity and a safety audit conducted, and he was confident that this was the right solution. The Safety Audit had been informed by the NPPF and based on a reasonable timescale, and he had no concerns.

Councillor Chaplin noted that Mr Allatt had said the roundabout would have a superfluous capacity and he asked him if it had been subject to a safety audit. Mr Allatt replied that the roundabout would be a greater safety risk and more expensive; it would be an over-engineered solution. The respective safety of the roundabout and the T junction had been compared.

Councillor Beckett wished to know whether the audit had included Isaacson Road, because it carried a substantial amount of traffic; he recalled Suffolk County Council putting in a double roundabout on a road in similar circumstances. Mr Allatt said that the audit factored in background future trips along the road.

Councillor Hitchin observed that the applicant had suggested a roundabout and he asked Mr Allatt to explain why one could not be

reasonably accommodated. Mr Allatt said it was his job to ensure that what was delivered was appropriate based on evidence. A roundabout would be over-engineered but a junction would be better.

Councillor Ambrose Smith asked at what point in the future would the need for a roundabout be assessed if the development was to go ahead. Mr Allatt responded, saying it had been assessed to 2031. It had also been sensitivity tested and a long term view taken. However, there was no formal mechanism for reassessment.

Councillor Hitchin again asked for an explanation of the modelling process for the junction and was informed that a full assessment had been conducted. If the junction had been 0.85 to normal capacity, a roundabout would have been acceptable, but even with future growth it was only 0.44

Councillor Goldsack sought clarification that the assessment for the future development plans for Soham, Fordham and into Suffolk allowed for them up to 2031 and that output had decreed a junction would be safer than a roundabout. Mr Allatt restated that it was felt a priority junction would be safest and in response to a suggestion that costs might be a consideration, he disagreed. He would expect a priority junction would be cheaper, but it was the most appropriate solution.

Councillor Hunt drew attention to the email from Councillor David Brown, which had been circulated to all Planning Committee members in advance of the meeting. He believed it would be logical to amend the Officer's recommendation to include the two points raised in the email, as they came with the blessing of the Parish Council.

Councillor Beckett said it was pleasing to see coming forward a site that was allocated in the Local Plan, despite the lack of affordable housing and a roundabout.

Councillor Goldsack expressed surprise that the County Council believed a T junction to be safer than a roundabout, and Councillor Chaplin thought it bizarre that the Local highways Authority should intervene to reduce the applicant's costs.

It was duly proposed by Councillor Beckett and seconded by Councillor Hunt that the Officer's recommendation for approval be supported, subject to the inclusion of Councillor Brown's requests. When put to the vote, the motion was declared carried, there being 9 votes for, and 2 votes abstentions. Whereupon,

It was resolved:

That the Planning Manager be given delegated authority to APPROVE planning application reference 15/01175/OUM subject to the completion of a S106 legal agreement and the draft conditions as set out in the Officer's report (with any minor changes to the conditions delegated to the Planning Manager) and also subject also to the following:

- 1) Reserved matters to be brought back to Planning Committee for consideration in a public arena; and

- 2) The affordable housing element and the self build element of the plan to prioritise those with a demonstrable link to Burwell and this to be included in the S106 Agreement.

At this point the Chairman announced a change to the order of Agenda. He would take Item 6 followed by Item 10, as there were several issues common to both applications.

52. 16/01598/OUT – WILLOW ROW ROAD, WILLOW ROW DROVE, TEN MILE BANK, LITTLEPORT, CB6 1EE

Oli Haydon, Planning Officer, presented a report (S80, previously circulated) which sought outline planning consent with all matters reserved for the erection of one detached dwelling.

The site was located to the northeast of Littleport, outside the development envelope. Willow Row Road was a short track off Ten Mile Bank, a narrow road leading to Black Horse Drove to the north. There were small clusters of residential and industrial development along this road. The site was located in Flood Zone 3.

It was noted that the application was called in to Planning Committee by Councillor David Ambrose Smith, as it was considered that the location is sustainable.

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

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

- Principle of Development
- Visual Impact
- Residential Amenity
- Highway Safety
- Flood Risk

The Planning Officer reminded Members of the Council's current position regarding an inability to demonstrate an adequate five year supply of land for housing. It was noted that the northern edge of Littleport's development envelope was approximately 0.7 miles from the site, with the facilities and services of the town being located 1.5 miles away. Ten Mile Bank was a narrow 60mph road with no pedestrian footpaths. This would mean that occupants of the proposed dwelling were very likely to depend on a vehicle to access the services of the town and beyond. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable

development, the site was therefore not considered to be in an environmentally or socially sustainable location.

With regard to visual impact, all matters were reserved on this proposal and as such a limited assessment of visual impact could only be made at this stage. However, it was considered that one dwelling could be accommodated on the site and it would be unlikely to cause a harmful visual intrusion into the countryside due to existing screening.

As layout and scale were not being considered at this stage, it could not be judged whether the proposal would have a harmful overlooking or overbearing impact on the residential amenity of the neighbouring dwelling. The proposal was likely to be compliant with the requirements of the SPD Design Guide with regard to plot size and private amenity space.

Access remained a reserved matter at this stage and it was noted that the Local Highways Authority had raised no objections to the proposal in principle.

The Committee noted that the application site was located in Flood Zone 3, and a Flood Risk Assessment (FRA) was submitted with the proposal. As the proposal failed to pass the Sequential Test it was considered to unnecessarily place a dwelling in an area at significant risk of flooding. The application failed to demonstrate that the dwelling provided wider sustainability benefits to the community that outweighed flood risk.

In connection with other material considerations, the site was assessed during the site visit as having a minimal biodiversity potential and thus an ecology survey was not requested.

At the invitation of the Chairman, Ms Laura McPherson spoke in objection to the application and made the following points:

- She lived at Willow End, adjacent to the site and her main concern was the size and impact of the proposal;
- She lived in a small property close to the border of the application site. She had concerns regarding subsidence and the stability of the land because her property was underpinned;
- The proximity of the drainage and sewage system would impact on her property;
- The position of the proposed dwelling would block her light;
- She had concerns regarding wildlife, as the new dwelling could decrease wildlife habitats;
- The Drove is not a hamlet. The road is very narrow and bumpy and the location is mainly agricultural land;

- She was concerned about the impact of construction vehicles.

Ms McPherson then responded to comments and questions from Members.

Councillor Ambrose Smith said that having seen Ms McPherson's cottage, she could understand her concerns and she asked if she had engaged in any discussions with Mr Allen. Ms McPherson replied that the previous application had been refused when she moved into the cottage and she had not approached or been approached by Mr Allen regarding this application. Councillor Ambrose Smith suggested that some of the concerns might be addressed if she was to speak to Mr Allen, and Ms McPherson responded, saying that this application would be more detrimental to her than the previous one.

In response to a question from Councillor Cox, Ms McPherson confirmed that there were bats present at the location and they roosted in the farm buildings. She reiterated that her concern was for the wildlife.

At the invitation of the Chairman, Mr Steven Norfield, agent for the applicant, addressed the Committee and made the following remarks:

- The aim of the application was primarily to continue the effective running of the skip business;
- Mr Allen Senior was looking to retire from the business and someone was needed on site for security as insurance premiums were high;
- There is a footpath along the ridge of the bank;
- The safety and wellbeing of the neighbours would be mitigated;
- There had been a fire at Waterbeach last week. If there was a fire here, the business would not be able to survive. This proposal would mitigate the risk of vehicles being stolen;
- Flood risk had been addressed and the Environment Agency had removed its objections;
- Other sites have been allowed in the District outside the settlement boundary and in flood zones
- The applicant would be happy to move the property to the north west boundary and have a dormer style.

Mr Norfield then responded to questions and comments from the Committee.

Councillor Hunt said he failed to see the logic of having another dwelling at the location and he presumed that it would be linked to the business and there for security. Mr Norfield confirmed it would be linked to the business and would be there to prevent the theft of vehicles. Councillor Hunt then asked if the dwelling would be formally linked or if it could be sold. Mr Norfield said the applicant would be happy to link it to the business by condition, as it would be for Mr Allen's own use.

At this point the Planning Officer interjected to remind Members that the position of the proposal was irrelevant at this point because all matters were reserved. The application was originally submitted with a business case for a dwelling to support the neighbouring Allan's Skip Hire. However, this evidence was not considered sufficient by the Local planning Authority (LPA), and the applicant now wished the application to be determined on the basis of it just being a dwelling in the countryside.

Councillor Hunt said he agreed with the Officer's views regarding the countryside and flooding; this was an unsuitable location for a domestic development. He therefore proposed that the recommendation for refusal be supported, with two additional reasons for refusal being added and the motion was seconded by Councillor Austen.

When put to the vote, the motion was declared carried, there being 8 votes for, 1 vote against, and 2 abstentions.

It was resolved:

That planning application reference 17/01598/OUT be REFUSED for the reasons given in the Officer's report and for the following additional reasons:

- The area is not suitable for residential development on visual grounds; and
- There would be harm to the residential amenity of the neighbour.

53. 17/00643/OUT – PADDOCK NORTHEAST OF 36 TEN MILE BANK, LITTLEPORT,CB6 1EE

Oli Haydon, Planning Officer, presented a report (S84, previously circulated) which sought outline planning consent with all matters reserved for the erection of one dwelling.

The application site was located to the northeast of Littleport, outside the development envelope and within Defended Flood Zone 3. The northern edge of Littleport's development envelope was approximately 0.7 miles from the site, with the facilities and services of the town being 1.5 miles away.

The site comprised a corner of a paddock belonging to the farm complex to the southwest, and it was accessed off Willow Row Road. It was in between two existing dwellings, with another to the northeast and the applicant's farmhouse located 125 metres to the southeast.

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

A number of illustrations were displayed at the meeting. These included a map, an aerial image, an indicative layout of the site and a photograph of the street scene.

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

- Principle of Development
- Visual Impact
- Residential Amenity
- Highway Safety
- Flood Risk

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

The Planning Officer reiterated that the site was 1.5 miles from the closest part of Littleport town centre. Ten Mile Bank was a narrow 60mph road with no pedestrian footpaths. This would mean that occupants of the proposed dwelling would be very likely to depend on a vehicle to access the services of the town and beyond. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the site was therefore not considered to be in an environmentally or socially sustainable location.

Members were also reminded of recent appeal decisions relating to unsustainable locations and the reliance on a private motor vehicle.

Speaking next of visual impact, the Planning Officer reiterated that all matters were reserved on this proposal and as such only a limited assessment of visual impact could be made at this stage. As the proposed dwelling was to be situated between existing dwellings accessed off Willow Row Road, there would be minimal visual intrusion into the countryside.

As layout and scale were not being considered at this stage, it could not be judged whether the proposal would have a harmful overlooking or overbearing impact on adjacent properties. It was considered that a reserved matters application could potentially avoid a significantly detrimental effect on the residential amenity of nearby occupiers and ensure that future occupiers of the dwelling would enjoy a satisfactory level of amenity. The proposal was likely to be compliant with the requirements of the SPD Design Guide with regard to plot size and private amenity space.

Access remained a reserved matter at this stage and the Local Highway Authority had raised no objection to the proposal subject to conditions.

It was noted that the application site was located in Defended Flood Zone 3, and a Flood Risk Assessment (FRA) had been submitted with the proposal. As the proposal failed to pass the Sequential Test it was considered to unnecessarily place a dwelling in an area at significant risk when there were reasonably available sites elsewhere with a lower probability of flooding. The application also failed to demonstrate that the dwelling provided wider sustainability benefits to the community that outweighed flood risk.

With regard to other material considerations, Members noted that the site had been assessed during the site visit as having a minimal biodiversity potential and thus an ecology survey was not requested.

At the invitation of the Chairman, Mr Steven Norfield, agent, accompanied by Mrs Heidi Constable, applicant, addressed the Committee and he made the following points:

- He wished to reiterate that this application was in no way related to the previous case;
- Mr & Mrs Constable wanted to expand their existing livestock business;
- They had lived in their house for 16 years, but with the children having grown up and moved out, the house was now too big and they wanted to downsize in order to raise funds for the business;
- The sequential test required a review of plots and they did this;
- A new site would require another £90k to be spent on it, and it would be detrimental to move the farm;
- There were five other local sites, but they did not have business links, only private dwellings.

Councillor Goldsack asked Mrs Constable if she and her husband wanted to move so they could run a cattle business from the application site. She replied that they already had a business, but they would need to release the capital in their house to be able to expand it, otherwise they would not be able to push the business forward in other areas.

Councillor Goldsack then asked if the proposed new dwelling would be significantly smaller than their existing property. Mrs Constable replied that it would; the main purpose was for them to be able to build on their own land. The cattle are on Welney Wash and they have them at home between December and February. Mr Norfield added that the existing house occupied 2,500 square feet.

Councillor Beckett asked the Planning Officer if the application was going forward as domestic or agricultural occupancy and was advised that it was being considered as a private dwelling, a house in the countryside.

Councillor Ambrose Smith asked if there would be a strong enough case for approval if the proposal was part of the business. The Planning Officer replied that the LPA would be looking for absolute necessity; the cattle were not located completely on the site and this application was 'bare bones'. The Planning Manager added that the applicants could submit a business case if they wanted to do so. It would be assessed by an independent consultant, but there would have to be valid reasons to support the application.

Councillor Beckett said he had a lot of sympathy for the applicants, but the case presented to the Committee was not what Mrs Constable had presented. Members were being asked to consider a dwelling in the countryside and he did not feel it would be right to put a house in this location.

Councillor Goldsack agreed with Councillor Beckett; while Mrs Constable was very persuasive, personal circumstances were not a material consideration.

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

When put to the vote, the motion was declared carried, there being 9 votes for and 2 abstentions.

It was resolved:

That planning application 17/00643/OUT be REFUSED for the reasons given in the Officer's report.

54. 16/01794/RMM – PARCELS A AND B, ORCHARDS GREEN, CAM DRIVE, ELY

Julie Barrow, Senior Planning Officer, presented a report (S81, previously circulated) which sought reserved matters approval for details of access, appearance, scale, layout and landscaping for the first phase of development on land to the north of Cam Drive, Ely. The site formed part of the wider North Ely scheme on land being promoted by Endurance Estates. Outline planning permission for residential led development of up to 1,200 homes with associated employment and community uses, supporting infrastructure and open space/landscaping was granted in June 2016 following completion of a S106 Agreement.

The site comprised two parcels of land to the north of Cam Drive. Parcel A extended from Cam Drive up to the cycle path that adjoined the southern edge of King Edgar Close and encompassed the area to the south of the Isle of Ely Primary School. Parcel B was located to the west of the

Cam Drive/Stour Green roundabout. The area between the two parcels had outline planning permission for mixed use.

A number of illustrations were displayed at the meeting. These included a map of the application site, an aerial image, the layout of the proposal and elevations giving an idea of the styles of the proposed properties.

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

- Principle of Development
- Housing mix & density
- Character & appearance
- Residential amenity
- Green infrastructure & landscaping
- Traffic & transportation

With regard to the principle of development, it was noted that Policy ELY1 of the Local Plan 2015 allocated approximately 210 hectares of land for a mixed-use urban extension of up to 3,000 dwellings, 2 primary schools, sufficient employment uses to deliver approximately 1300 – 1500 jobs, two local centres providing retail and community facilities and an extension of Ely Country Park.

Outline planning permission for the residential led development of up to 1200 homes with associated employment and community uses, supporting infrastructure and open space/landscaping on land to the west of Lynn Road was granted on 20th June 2016. The S106 Agreement secured the provision of affordable housing across the site together with allotments and open space.

The Isle of Ely Primary School had already been constructed by Cambridgeshire County Council and prior to the submission of this reserved matters application, Endurance Estates had discharged a number of strategic-wide planning conditions that would inform all future reserved matters applications.

Turning next to housing mix and density, the Senior Planning Officer stated that density had been informed by the parameter plan approved at the outline stage. The North Ely SPD sought to secure a low/medium density across the whole of North Ely with a wide range of dwelling types, size and tenure to be provided, creating choice, a varied building form and meeting community needs.

The S106 Agreement set out an affordable housing requirement of 10% of the first two phases of development on the Endurance Estates land. Future phases would be subject to a review mechanism which might see an

increase in the number of affordable dwellings being provided, depending on market conditions at the time.

In accordance with the outline consent, 20% of the dwellings (40 in total) were designed to Lifetime Homes standards, and 20 properties were also designed as flexible dwellings, to be suitable for home office working.

The Committee noted that the application had been the subject of extensive pre-application discussions and a Design Code was produced for each area. The Codes were reviewed by the Cambridgeshire Quality Panel and a number of positive comments were made on the scheme and Codes and a number of changes were made as a result of the review.

The Senior Planning Officer said that the scheme had been designed in accordance with the East Cambridgeshire Design Guide SPD, taking into account the requirement to provide sufficient plot sizes and amenity space.

The allotments in Orchard Grounds had been located to the rear of dwellings on Lynn Road/Orchard Estate so as to provide a buffer between the existing and proposed dwellings and maintain a 'green edge' to the development. Amendments to the layout of the allotments and parking areas serving them had been made during the course of the application in order to minimise any noise and disruption to nearby occupiers.

A noise assessment had been submitted with the application, but as the Cam Grove local centre had not yet been designed it was not possible to fully assess the effects of noise from this area of the development on future residents. Future applications for the local centre would therefore need to take account of the surrounding built form and appropriate noise mitigation measures put in place.

The noise assessment had identified that the A10 and Cam Drive would be the main sources of noise for future residents of this scheme. Noise measurements had been taken from points alongside each road and the data collected used to predict and determine indoor ambient and maximum noise levels within the habitable rooms of assessed locations within the development.

Appropriate double glazing and acoustic trickle vents would be installed within living rooms at all assessed locations. The Environmental Health Officer had raised the point that noise limits might be exceeded in some rooms if windows were opened. However, given the location of the site close to the city centre it was to be expected that there would be some road noise.

To meet the upper limit for gardens and amenity spaces to the south of the development, they would be enclosed by a 2 metre high timber close boarded fence with no gaps and fully sealed to the ground. All other garden and amenity spaces could be enclosed in standard timber fencing.

The applicant had engaged with the Local Highways Authority (LHA) regarding the layout of the scheme and the main access point to Orchard Grounds would be constructed in accordance with the details agreed at the outline planning stage.

A landscape Masterplan and design statement had been submitted with the application, both of which made reference to the design codes for each character area. The landscape strategy was designed to bring together the landscape character aspects of this part of the fenland landscape and the character and qualities associated with the 'Isle of Ely'. Hopkins Homes was working on the design of the drainage channels and a detailed sustainable drainage strategy would be submitted to the Council for approval.

The applicant had been encouraged to minimise the use of tandem parking, but the Design Code acknowledged that in some cases on-plot parking might involve two spaces. With the exception of the one bedroom units, two parking spaces per dwelling were provided as a minimum. A small number of parking courts were proposed and they had been designed to ensure they were safe, overlooked, secure and accessible while not dominating the street scene.

The LHA had stated that it would not adopt visitor parking bays within the highway unless they served a highway function. In this case it was considered that their location adjacent to areas of open space met this requirement. The applicant had 'over provided' in respect of the number of on-plot parking spaces with a number of dwellings having three spaces. On balance, it was considered that parking provision was adequate.

At the invitation of the Chairman, Mr Robert Eburne, agent for the applicant, addressed the Committee and made the following points:

- He believed the lengthy process for this application had been well explained by the senior Planning Officer;
- This would become an exemplar development for Ely, and he was keen for it to be a gateway development;
- The scheme had been carried forward on the back of the outline permission and it went to the Cambridgeshire Quality Panel to demonstrate how it could be delivered;
- No statutory consultees had objected;
- Drainage would be correlated with the landscaping to ensure an inviting landscape. Hopkins Homes would provide details to address drainage as well as planting;
- The parking scheme exceeded the Council's standards and there would be just under 500 spaces. Only 8 dwellings (one bed) would have a single space;
- They wanted to develop the allotments as soon as possible. They would be aligned with rear gardens ;
- The applicant had worked well with the County and District Councils and wanted to start work on the development as soon as possible.

Councillor Beckett asked for clarification regarding drainage ditches. Mr Eburne explained that in the south of the development they would look

more like ditches, whereas in the northern area their appearance would be more of meadowland. They would exit into the verge. The Senior Planning Officer added that the details would be addressed at the next stage; drainage would flow down the site and then to the A10.

Councillor Hunt said that in his opinion, Hopkins Homes had been one of the best developers and he questioned the size of the garages included in the figures. He was advised that the garages were 3 x 7 metres and were over the required dimensions. He was glad that the message that tandem parking did not work had been received and hoped it would be taken on board. Mr Eburne responded by saying that most of the roads would be adopted by the LHA; Hopkins was very careful with its scheme and tried to ensure that developments would not be dominated by cars on pavements

Councillor Hitchin having noted that some of the comments received seemed to be anti children, said there did not seem to be much of a play area and he asked if consideration had been given to expanding it. Mr Eburne replied that it was a standard area as per the Design Code. The next phase would have much more, so the whole scheme would be comprehensive.

Councillor Beckett offered his congratulations to the Senior Planning Officer for all her work on the scheme, which he thought was pleasing to the eye. However, he had one concern as he did not think there was anywhere near enough parking for shops etc on the section of the road at the roundabout to the school. The Senior Planning Officer said this was part of the County Council application and the local centre would have to have parking within its boundaries. Endurance Estates would address the issue.

Councillor Beckett then commented that, having recalled the North Ely Seminar, the affordable housing provision was deplorable because it was not delivering what it should. The chairman reminded him that provision would increase as more of the site was developed.

There being no further comments or questions, it was proposed by Councillor Cox and seconded by Councillor Beckett that the Officer's recommendation for approval be supported. When put to the vote,

It was resolved unanimously:

That planning application reference 16/01794/RMM be APPROVED subject to the recommended conditions as set out in the Officer's report, with any changes to the conditions being delegated to the Planning Manager.

There was a short comfort break between 4.15pm and 4.21pm.

55. 17/00147/OUT – 26B EAST FEN COMMON, SOHAM, CB7 5JJ

Richard Fitzjohn, Planning Officer, presented a report (S82), previously circulated) which sought outline planning permission, with all matters reserved apart from access, for one detached dwelling.

A block plan had been submitted with the application which showed details of the proposed access and an indicative layout of the dwelling. The application was also supported by a Flood risk assessment.

The site was located within the curtilage of No.26B, within a linear row of dwellings between the existing bungalows of No.26A and No.26B. The site was bordered by agricultural land to the south east and common land to the north west.

It was noted that the application had been called in to Planning Committee by Councillor Ian Bovingdon as he felt that the new information regarding flood zones would allow for this application to be approved.

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

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

- Principle of development
- Flood Risk
- Highway safety
- Character and appearance of the area
- Residential Amenity
- Ecology and trees

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

The application site was located outside of, but within close proximity to the established development framework for Soham. It was 250 metres from the edge of the nearest settlement boundary and approximately 0.6 miles from the town centre of Soham, where a wide range of services and facilities were located.

The site was located within Flood Zones 2 and 3 and, on balance, it was not considered to be sustainable for this type of development unless it could be demonstrated that there were no other reasonably available sites in areas with a lower risk of flooding.

With regard to flooding, it was noted that a Flood Risk Assessment was submitted which challenged some of the modelling of the zoning, based on information from the Environment Agency. However, it was considered by

the LPA that there were other reasonably available sites for the erection of a single dwelling within the parish of Soham, which were at a lower probability of flooding. Therefore the proposed development was not necessary in this location and failed the sequential Test.

The Committee noted that the site access was recorded as a public footpath which provided vehicular access to the site and neighbouring properties. The applicant's agent had informed the LPA that the applicant had a legal (private) right of vehicular access over this footpath. Although layout was a reserved matter at this stage, it was considered that there would be safe access with the highway and adequate space within the plot for the parking and turning of 2 cars.

The Planning Officer reminded Members that layout, scale and appearance were reserved matters which were not being considered as part of this application. It was considered that the proposed development would not create a significant and demonstrable harm to the character and appearance of the area, as the proposed dwelling would infill a gap between existing dwellings, retaining the existing linear nature.

In connection with residential amenity, it was considered that there was sufficient amenity space to accommodate a small dwelling. Subject to further details of layout, scale and appearance, Officers considered that there would be no significant loss of amenity to the neighbouring dwelling.

Members were reminded that the application site was adjacent to East Fen Common and the Wash County Wildlife Site (CWS). It was thought that the proposed building should not have significant negative impacts on the County Wildlife Site features of interest and the Trees did not consider that the loss of trees would result in any significant harm. However, should planning permission be granted, the Cambs Wildlife Trust was seeking a scheme of biodiversity mitigation and enhancement measures preventing any significant impacts being created on the County Wildlife Site.; this could be conditioned.

The application site would not encroach on to adjacent common land and there would be no adverse impact on the quality, character, accessibility or biodiversity value of that common land.

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

- Everything had been agreed before the flood risk, and the flood zone maps changed as other factors changed;
- The application site was partly in Zones 2 and 3;
- There was no absolute prohibition regarding policy;
- Paragraph 102 of the National Planning Policy Framework (NPPF) set out the criteria for passing the Exception Test, and both elements of the test would have to be passed for development to be allocated or permitted;

- Other dwellings wholly in Zone 3 had been granted permission and they were more at risk;
- This site was in a defended area, and if there was overtopping, it would sit proud;
- It was wrong to mechanistically apply the Flood Zone map;
- There had been no objections to the proposal and Members could exercise their discretion;
- The site was higher than the indicated area and access and egress would not be compromised;
- The site had absolutely no record of flooding;
- The Flood Risk Assessment showed it to be above the flooding levels, so it was not at risk.;
- The development should be allowed.

Councillor Hunt said that some Members might have the same views as Mr Kratz, but having been on the site visit, all he saw was a nasty attempt to squeeze in a house where it had no right to be. It went against the grain of the existing development and would be so tight as to require the demolition of a conservatory. There would be totally insufficient amenity space and the proposal was inappropriate. It was overdevelopment and should be refused.

Councillor Smith concurred, saying that he supported the Officer's views regarding flooding.

Councillor Beckett said the Commons were unique to Soham and County Wildlife Sites. As such they should be defended because allowing further dwellings would urbanise the area.

Councillor Chaplin said he would give qualified support; he was grateful to Mr Kratz for taking a 'rifle shot' at the only issue.

Councillor Ambrose Smith noted the mention of a cramped site and reminded Members that not everyone wanted a large garden; a small development would suit many people.

It was duly proposed by Councillor Hunt and seconded by Councillor Smith that the Officer's recommendation for refusal be supported, with the addition of a number of other reasons for refusal.

When put to the vote, the motion was declared carried, there being 8 votes for, 1 vote against and 2 abstentions.

It was resolved:

That planning application reference 17/00147/OUT be REFUSED for the reason given in the Officer's report with the addition of Flood Zone 2 and for the following additional reasons:

- The proposal goes against the grain of existing local development;

- There would be insufficient amenity space;
- It would be overdevelopment; and
- It would contribute to the urbanisation of the Commons.

56. 17/00284/OUT – LAND TO NORTH SIDE OF MILL FIELD, SUTTON

Julie Barrow, Senior Planning Officer, presented a report (S83, previously circulated) which sought outline permission for residential development with all matters reserved.

The application was originally submitted in outline form for consent for ten dwellings on the site with access and layout to be determined. During the course of the application it was established that it was unlikely that ten dwellings could be accommodated on the site due to the requirement to provide a satisfactory drainage strategy and the effects of noise on the site from the nearby A142. The applicant had therefore amended the proposal to establish the principle of development on the site with the precise number of dwellings, their scale and layout to be determined at reserved matters stage once further assessments in relation to drainage and noise had been carried out.

The site was located outside the established settlement boundary on the north eastern edge of Sutton. It did, however, adjoin the development envelope on its southern boundary and the land to the west on the opposite side of Mepal Road was located within the development envelope and was allocated for residential development in the Local Plan 2015.

It was noted that the application had been called in to Planning Committee by Councillor Lorna Dupré on the grounds of access, proximity to the A142 with noise and air quality issues, and relationship to the Linden Homes site.

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

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

- Principle of Development
- Visual Amenity
- Residential amenity
- Highway safety

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

The application site was adjacent to the development envelope with convenient access to the goods and services on offer in Sutton and it was therefore considered to be in a sustainable location.

Although the number of dwellings was unknown at this time, any additional dwellings would make a contribution to the shortfall in housing land supply and this would attract significant weight in the planning balance

The Senior Planning Officer said that the site was currently undeveloped and the introduction of dwellings would change its appearance. However, the site was opposite a site allocated for residential development and the future development would reflect the general pattern of development in the area. It was therefore considered that development of the site for residential purposes would not have a significant and demonstrable harm to the visual amenity of the area.

With regard to residential amenity, Members noted that an Acoustic Design Statement had been submitted with the application. It indicated that further assessments were required to determine the full impact of noise on future residents. This would directly affect the number of dwellings that could be accommodated on the site, and it was considered that a careful layout and design with the incorporation of noise mitigation measures would be needed.

The site was separated from existing development on Millfield by the highway and it was considered that any dwellings on this site would not appear overbearing and could be designed in such a way as to avoid overlooking and a loss of privacy to existing occupiers.

Members noted that the Local Highways Authority (LHA) did not object to the proposal and access would be addressed at a later stage. The applicant was aware that two parking spaces per dwelling were required in accordance with Policy COM8, and it was considered that this could be addressed at the reserved matters stage.

In connection with other matters, Members noted that a surface water strategy would need to be considered as part of the reserved matters application and further investigative work would be required in respect of contaminated land.

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

- The report set out the detail and benefits of the proposal;
- It was noted that the proposal had been amended to an outline application with all matters reserved and the applicant was happy to accept this;
- The applicant was aware of the requirements to mitigate vehicular noise.

Councillor Chaplin left the meeting at 4.50pm

Councillor Goldsack said that having been on the site visit, what he saw today was an eyesore and he was therefore in favour of granting planning permission.

Councillor Beckett thought that maybe it would not be possible to overcome some of the obstacles regarding the site, but the site lent itself to a small number of dwellings; he was minded to support the Officer's recommendation for approval.

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

It was resolved unanimously:

That planning application 17/00284/OUT be APPROVED subject to the recommended conditions as set out in the Officer's report.

57. 17/00895/FUL – SITE OPPOSITE 6 TO 10 BARWAY ROAD, BARWAY

Richard Fitzjohn, Planning Officer, presented a report (S85, previously circulated) which sought full planning permission for the erection of two detached 2 storey houses and detached double garages with games rooms within the roof space. Each dwelling would be served by a new access onto Barway Road, with a long drive and turning head.

The site was located to the south of Barway Road outside the development envelope. It was currently part of a field that was located adjacent to a fishery pond to the south and there were existing residential dwellings located on the opposite side of Barway Road.

It was noted that the application had been called in to Planning Committee by Councillor Carol Sennitt, as it was she felt this application might be refused because of the site being unsustainable and outside the defined development envelope.

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

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

- Principle of development
- Character and appearance of the area
- Residential Amenity
- Highway safety
- Ecology

The Committee noted that the application site was outside the defined settlement boundary for Barway but was not so far away that it could be considered isolated. Although the village had a very limited range of services and facilities, there were two housing allocations, BAR1 and BAR2, within the Local Plan 2015 and they were currently being developed. It was therefore considered that the site was in a sustainable location.

In terms of character and appearance, the site was separated from the existing (and approved) residential development along the south side of Barway. It did not present itself as a natural extension to the village as it would extend the linear settlement envelope of this part of Barway into the open countryside. Whilst the site was fairly well screened from public vantage points, it would not be wholly inconspicuous and the incursion of domestic paraphernalia and the creation of two new access points would contribute to its urbanising presence. It was therefore considered that the proposal would cause significant and demonstrable harm to the character and appearance of the area.

The proposed layout plan showed that there would be sufficient amenity space and an acceptable relationship between the proposed dwellings. The proposal would not create any significant impacts upon existing neighbouring properties or approved dwellings.

Members were reminded that one of the reasons for refusal of the previous application on this site was that the proposed development failed to provide the vehicular visibility splays required to ensure it would not have an impact upon the safe and efficient operation of the public highway. This application demonstrated that adequate visibility splays would be achieved and the LHA had no objections in principle to the proposal.

The Planning Officer stated that a Preliminary Ecological Appraisal had concluded that there were no significant ecological impacts or constraints. However, mitigation and enhancement measures were recommended in order to preserve and enhance local wildlife if planning permission was to be granted.

While the proposal would provide two additional dwellings to the District's housing stock and a positive contribution to the local and wider economy, it was considered that this would still be outweighed by the significant and demonstrable harm caused to the character and appearance of the area.

At the invitation of the Chairman, Mr Keith Hutchinson, agent, addressed the Committee and made the following points:

- This was the resubmission of an application;
- Officers accepted that some of the previous reasons for refusal had been overcome and this left a single reason;
- The site visit had shown that although Barway was linear, it ran well beyond the limits of the development envelope;

- Permission had already been given on the south side of Barway Road and this proposal would complement it;
- The Council could not demonstrate an adequate 5 year supply of housing land and therefore the presumption should be in favour of sustainable development;
- The social and economic elements of sustainability weighed in favour of the proposal;
- The dwellings would relate well to the existing built form and would have characteristics similar to those on the south side of the road;
- NPPF 14 spoke of the presumption in favour of sustainable development and of granting permission '*... unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits ...*'
- This proposal would cause no harm.

The Chairman said he questioned whether two houses would really cause significant and demonstrable harm.

Councillor Beckett said Barway was a linear rural village and he believed that to permit dwellings on both sides of the road would make it more urban. He duly proposed that the Officer's recommendation for refusal be supported.

Councillor Goldsack said that if the proposal overcame all of the previous reasons for refusal apart from one and no objections had been received, then what would be the harm of the development.

Councillor Smith seconded Councillor Beckett's opinion.

Councillor Hunt said that this application showed the importance of having site visits because it was located in a beautiful area and allowing the development would destroy a meadow.

The motion for refusal was put to the vote and an equality was declared, there being 5 votes for and 5 votes against. The Chairman used his casting vote to reject the motion which was duly declared lost.

The Chairman proposed that the application be granted permission. The motion was seconded by Councillor Goldsack and when put to the vote, an equality was again declared, there being 5 votes for and 5 votes against. The Chairman used his casting vote in favour of granting approval and the motion was declared carried. Whereupon,

It was resolved:

That planning application reference 17/00895/FUL be APPROVED for the following reason:

- Members do not believe that the proposal will cause significant and demonstrable harm to the character and appearance of the setting of Barway.

It was further resolved:

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

58. 17/00969/OUT – LAND NORTH OF 26 STRAIGHT FURLONG, PYMOOR

Oli Haydon, Planning Officer, presented a report (S86, previously circulated) which sought outline planning consent with all matters reserved for the erection of three detached dwellings with garages for workplace homes. A similar application was refused in January 2017 (16/01423/OUT).

The site was located outside, albeit adjacent to the edge of the development envelope for Pymoor, within Flood Zone 3. The site was part of a larger field currently in use for agriculture. Land to the west, north and east was actively farmed within an open landscape characteristic of the area, with agricultural buildings located close by across Straight Furlong.

It was noted that the application had been called in to Planning Committee by Councillors Bailey and Bradley as the Committee had an ongoing interest in the issues of sustainability, flood and open countryside policies.

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

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

- Principle of Development
- Visual Impact
- Residential Amenity
- Highway Safety
- Flood Risk

The Planning Officer stated that although the site was outside the development framework of Pymoor, it was sufficiently well connected to the facilities and services on offer in the settlement and the wider area. The 'Workplace Homes' would provide ancillary spaces for working from home and the principle of the proposed dwellings on this site was therefore considered to be acceptable in line with paragraph 55 of the NPPF provided its impact on the visual amenity of the area did not cause demonstrable harm.

In terms of visual amenity, it was considered that the proposal would result in an incursion of development into the open countryside, which would

significantly change its rural character and appearance on the northern approach to the village. The visual impact would be further exacerbated by the fact that the dwellings would be raised by existing ground level to alleviate flood risk.

Members were reminded that as layout and scale was not being considered at this stage, it could not be judged whether the proposals would have a harmful overlooking or overbearing impact on adjacent properties.

The LHA had raised no objections in principle to the scheme, subject to conditions regarding visibility splays. There appeared to be sufficient space within the indicative site plan to incorporate additional parking and turning.

The application site was located within Flood Zone 3 and the development potential for other sites with less flood risk within the locality was not addressed. The proposal therefore failed to pass the Sequential Test as it was considered to unnecessarily place a dwelling in an area at significant risk of flooding. The application also failed to demonstrate that the dwelling would provide wider sustainability benefits to the community that outweighed the flood risk.

In proposing that the Officer's recommendation for approval be supported, Councillor Hitchin said he had supported developments in Pymoor in the past, but he believed the visual impact of this scheme would be particularly severe.

Councillor Hunt seconded the motion, saying that the tree line down the road gave a beautiful approach to the village. Building there would not be appropriate and it would be a shame to lose the tree line.

When put to the vote,

It was resolved unanimously:

That planning application reference 17/00969/OUT be REFUSED for the reasons given in the Officer's report, with the addition of harm to the visual quality of the tree lined avenue along Straight Furlong.

59. 17/00970/OUT – HEATHERGAY HOUSE, STRAIGHT FURLONG, PYMOOR,CB6 2EG.

Richard Fitzjohn, Planning Officer, presented a report (S92, previously circulated) which sought outline planning permission with all matters reserved, to demolish an existing dwelling (Heathergay House) and farm buildings, and erect two detached dwellings. The farmstead to the rear of the site would retain an existing vehicular access for farm vehicles to the north east of the site.

The site was located in an area where the land surrounding the farmstead was wholly utilised for the purposes of agriculture, with agricultural buildings close by. Pymoor was the closest settlement with a settlement

envelope and this was located some 1.5 kilometres to the south west of the site along Straight Furlong.

It was noted that the application had been called in to Planning Committee by Councillors Anna Bailey and Mike Bradley because the reasons for refusal were very similar to a number of other recent applications in Pymoor where the Planning Committee had decided to grant permission. The sustainability, flood and open countryside policies were regularly being tested, particularly in Pymoor, and therefore it was felt that the Planning Committee had an ongoing interest in these issues and should make the decision.

A number of illustrations were displayed at the meeting, including a map, an aerial image, and an indicative layout showing the site and the existing farm buildings.

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

- Principle of development
- Character and appearance of the area
- Flood risk
- Highway safety
- Residential amenity

The Planning Officer stated that the application site was significantly separated from the established development framework for Pymoor, along a 60mph road with no public footpath to the village. Given the poor public transport links with Little Downham (some 5 kilometres away) and Ely (some 9 kilometres away by road), the proposed dwelling would be likely to be reliant on cars to access all of the local services. For this reason, the new development was not considered to be particularly sustainable.

With regard to character and appearance, the proposal would introduce a small but visually prominent cluster of two dwellings, distinct in terms of its location forward of the farmstead, resulting in an incongruous form of development that would fail to relate in terms of its sense of place or setting with either the farmstead or the open rural landscape within which it was located. There was minimal scope to site the dwellings deeper into the plot in line with the existing building line and this would result in very little or no private rear amenity space for each plot. The proposal would therefore result in an unwelcome incursion of development into the open countryside, urbanising the surrounding area and significantly changing its rural character and appearance on the northern approach to the village.

The Planning Officer reiterated that significant weight should be attached to the fact that the site lay within Flood Zone 3. It was considered that the Sequential Test had not been met because other land with the potential for residential development existed in and around Pymoor and Little

Downham, within the same parish, which was not in Zone 3, and as such, development was not necessary on this particular site. Whilst the Environment Agency had not raised an objection to the Flood Risk Assessment submitted, they had made it clear that this was subject to the requirements of the sequential Test being met and that the Test was applied by the Planning Authority.

The Local Highway Authority did not have any objections to the application but had recommended that conditions be appended to any grant of permission in respect of vehicle access points, parking and turning, and a vehicle access gates restriction. The proposal demonstrated that adequate parking and turning could be achieved within the site for 2 cars per plot.

Although the application sought outline permission with all matters reserved, the site was considered to be large enough in size to accommodate two dwellings with sufficient amenity space for each. It also indicated that there was sufficient space between the proposed dwellings and the closest neighbouring dwellings to avoid any significant material impacts upon their residential amenity.

However, Officers considered that any benefits of the application would be outweighed by the significant and demonstrable harm which would be created by the unnecessary siting of an additional dwelling within Flood Zone 3, when there were reasonably available sites elsewhere within Pymoor and Little Downham with a lower probability of flooding, the detrimental impact on the character and appearance of the area, and the unsustainable location of the proposal which would create an increased reliance on the private car.

The application was therefore recommended for refusal.

Councillor Hunt said that he could not see why the proposal should not be approved as one unspectacular house and some farm buildings would be demolished and replaced with two new dwellings. There was no highways risk and the place was currently a mess. He duly proposed that the Officer's recommendation for refusal be rejected and the application be granted approval.

In seconding the motion, Councillor Cox said that the house should be pulled down as it had reached the end of its use, and the buildings at the back were very tatty. He believed the two new properties would enhance the area and fit in with the existing substantial houses. Whilst flooding was a perennial problem, he did not think it applied here.

Councillor Beckett concurred, adding that he would not like to see two 'massive mansions' built there and he wondered if there was any way to suggest that two smaller properties would look nice.

Councillor Ambrose Smith made the point that many people now worked from home and if small 2 – 3 bedroomed houses were built, the occupants might need extra space.

The Committee moved to the vote on the motion for approval, and

It was resolved unanimously:

That planning application reference 17/00970/OUT be APPROVED for the following reasons:

- It is the Planning Committee's view that two new houses would enhance the area;
- The proposal would not be intrusive;
- The flood risk can be overcome; and
- The Planning Committee does not consider the location of the application site to be unsustainable for an additional dwelling.

60. 17/010123/FUL – LAND SOUTH OF 70 THE BUTTS, SOHAM.

Ruth Gunton, Planning Officer, presented a report (S87, previously circulated) which sought consent for the erection of one detached 1.5 storey dwelling, with cartlodge parking to the front and attached car port to the side, and site works. The access would be off The Butts.

The site was located outside but adjacent to the edge of the development envelope for Soham. There were existing residential dwellings on the opposite side of the road, and 70 The Butts to the north of the site.

It was noted that the application was being determined by Committee due to the connection with a serving Council Member. Due process of the Constitution had been followed by the applicant to inform the Legal Department of the District Council of this application.

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

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

- Principle of development;
- Residential amenity;
- Visual amenity; and
- Flood risk.

With regard to the principle of development, Members were reminded of the Council's current inability to demonstrate an adequate five year supply of land for housing. Whilst the proposed site was outside the development boundary for Soham, it was in close proximity to the development envelope and the range of services and facilities available in the town. It was therefore considered that the proposal related well to the existing built form and would be considered to be in a relatively sustainable location.

Speaking next of residential amenity, the Planning Officer stated that given the distances to the neighbouring dwellings and the location of the first floor windows facing the front and back, there were no significant concerns regarding loss of privacy, overbearing or loss of light to the existing dwellings. A single storey dwelling had been approved to the south of the site in 2015 although work had not yet started at the time of the site visit. It was considered that provided a suitable boundary treatment was installed along the southern boundary, the dwellings would have an acceptable relationship with each other.

At present the application site was an undeveloped agricultural field but it was surrounded by built form with dwellings to the north and east and stable buildings to the south. It was therefore deemed not to be detached from the built form of Soham by open countryside.

There was a varied street scene and the proposed dwelling was a good, simple design which would provide a softer edge to the end of the development; it would also sit well with the approved (yet to be built) single storey dwelling to the south.

The Internal Drainage Board (IDB) had objected to the proposal as they said that no details had been provided about the disposal of surface water. However, the application form stated that a soakaway would be used and it was therefore considered that the IDB's objection was an oversight.

There were no concerns in relation to highways or ecology and the proposal was recommended for approval.

Councillor Smith said he was surprised that Highways were satisfied with the scheme, with it being located on a bend, and he felt that the trees should be removed to improve road safety. The Planning Officer replied that she had asked for a soft landscaping scheme and she reminded the Committee that the previous permission had established access.

It was proposed by Councillor Hunt and seconded by Councillor Ambrose Smith that the Officer's recommendation for approval be supported, and when put to the vote,

It was resolved unanimously:

That planning application reference 17/01023/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

Councillor Smith left the Chamber at 5.34pm.

There was a short comfort break between 5.34pm and 5.36pm.

61. 17/01180/FUL – 8 CHEWELLS CLOSE, HADDENHAM, CB6 3XE.

Gareth Pritchard, Planning Officer, presented a report (S88, previously circulated) which sought consent for a three bedroom two storey house on the site of two existing garages and a kitchen extension.

On a point of housekeeping, Members were asked to note that subsequent to the publication of the agenda, objections had been received from a neighbour and from the Parish Council, both of which raised matters that had already been included in the Committee papers.

Members were also advised of an amendment to Plan TIP 17 233 in condition 1 of his report.

The site was located within the established development framework for Haddenham and contained the existing dwelling (8 Chewells Close) and its associated garage to the south. The Conservation Area was located approximately 20 metres to the south and 40 Station Road, a Grade II listed building, was approximately 40 metres away to the south west.

It was noted that the application had been called in to Planning Committee by Councillor Steve Cheetham who had stated *'I confirm my support for the concerns raised by neighbours and the Parish Council concerning reasons such as adverse impact on neighbouring properties etc, and therefore should the recommendation be for approval of this application then I would like to call this application in for a formal discussion at the Planning Committee.'*

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

The Planning Officer reminded the Committee that the Council was currently unable to demonstrate an adequate five year supply of land for housing and therefore there should be a presumption in favour of sustainable housing. As the site was located within the established development framework for Haddenham, the proposal was considered to be in a sustainable location in close proximity to the services and facilities in the village.

It was considered that the site was of a sufficient distance from the Conservation Area and listed building that it would not have a detrimental impact on either of them. Officers considered the proposed dwelling to be of a similar design to the directly surrounding two storey properties. The applicant had sought to maintain the same height and fenestration pattern of

these buildings and it was therefore considered that the proposed dwelling would be in keeping with the surrounding built form.

Given the separation distances from No's 42 and 44 Station Road, it was considered that the proposed dwelling would not have a significant impact through loss of light or by being overbearing and there would not be a significant loss of privacy to the occupier of No. 44 Station Road.

With regard to highway safety and parking provision, the layout showed adequate parking at the dwelling for two motor vehicles. The proposed dwelling would remove parking from 8 Chewells Close and the applicant had sought to provide this parking in front of the existing dwelling. It was noted that the Local Highways Authority did not object to the principle of the application but had requested a number of necessary conditions which could be attached to any approval.

The Trees Officer had not raised any objections to the proposal, subject to necessary planning conditions to implement the submitted Tree Protection Plan. Members were advised that it was not proposed to remove any trees but there would be a reduction to some canopies.

At the invitation of the Chairman, Mr Don Proctor, agent, addressed the Committee and made the following points:

- This was a simple straightforward application which would make best use of the site;
- The Council could not currently demonstrate an adequate five year supply of land for housing and it did not like sites outside the development framework;
- This site was totally within the framework and of a sufficient size and scale to offer good amenity and garden space;
- It met parking standards;
- It would be in line with the neighbours and would complement the existing built form;
- The proposal would be a visual improvement to the street scene and have no adverse effect on the Conservation Area;
- The dwelling footprint would not be overbearing;
- There was a scheme which would address the issue of surface water run-off;
- This was a reasonable scheme, in accord with policies and it granted consent, it would add to the District's housing supply;

- The applicant was happy with the recommended conditions.

Councillor Hunt remarked that this was another example of why Members should go on site visits. He considered this application to be rather nasty and a case of overdevelopment. He felt it would destroy the open aspect of the Close and cause a loss of amenity to the donor building. There would be tandem parking and vehicles would be unable to turn, causing traffic chaos. The proposal would add nothing to the architectural style of the Close and should not be allowed.

Councillor Ambrose Smith disagreed, saying that a modest building would be acceptable if it was designed to fit in.

Councillor Beckett supported the views put forward by Councillor Hunt; the proposal would be overdevelopment of the area and would not add aesthetically to the Close.

Councillor Cox thought the back of No. 8 was a 'dog's dinner' and removing the garages would improve the street scene. He felt the proposal would be an improvement.

Councillor Goldsack thought it had been invaluable to visit the site and he believed the donor house would be the smallest. The scheme would be very tight and cramped and No. 8 would be better attuned to an extension.

Councillor Hunt said he wished to underline the views of the Parish Council and the two other District Members, all of whom opposed the application; their views should be respected.

It was duly proposed by Councillor Hunt and seconded by Councillor Beckett that the Officer's recommendation for approval be rejected on the grounds that the proposal was overdevelopment. When put to the vote, the motion for refusal was declared defeated, there being 4 votes for and 5 votes against.

It was then proposed by the Chairman and seconded by Councillor Ambrose Smith that the Officer's recommendation for approval be supported. When put to the vote, the motion was declared carried, there being 5 votes for and 4 votes against.

It was resolved:

That planning application reference 17/01180/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report and the amendment to condition 1 tabled by the Officer.

Councillor Smith returned to the Chamber at 5.44pm.

62. 17/01281/OUT – SITE OPPOSITE PERIVALE, BARCHAM ROAD, SOHAM.

Toni Hylton, Planning Officer, presented a report (S89, previously circulated) which sought outline consent for a single storey dwelling, garaging, parking, access and associated site works.

On a point of housekeeping, Members were asked to note that the Waste Team had raised no objections to the application and the Senior Trees Officer had no objections in relation to proposals regarding the hedging.

The site was located north of Soham outside the development envelope and it was currently an open agricultural field with a ditch running along the southeast boundary.

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

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

- Principle of development;
- Visual impact; and
- Residential amenity.

Members noted that the application site was located approximately 0.6 miles from the northern edge of the development envelope and approximately 1.9 miles from Soham town centre. Barcham Road was a 60mph single car-width road with no pedestrian footpaths. There was a limited bus service with the closest stop being on the A142, and linking with Newmarket, Ely and Cambridge. This meant that the occupants of the proposed dwelling were very likely to depend on a vehicle to access the services and facilities of the town and beyond.

Two appeals in Isleham and Little Downham had recently been dismissed by the Planning Inspectorate, and this upheld Officer decisions to refuse new dwellings due to unsustainable locations, and demonstrated that significant weight could be given to the issue of sustainability.

As this was an outline application there were no concerns at this point with regard to residential amenity and compliance with Policy ENV2, and a future reserved matters application would still be assessed against this policy.

The existing street scene on this part of Barcham Road was generally characterised by single storey dwellings at staggered intervals so that no dwelling was directly opposite another. The proposed scale of the new

dwelling was in keeping with the street scene and the garage was generally in keeping with those dwellings in the vicinity.

However, while there were no concerns regarding the scale, there was considered to be a negative impact on the character of the area from the development of dwellings opposite each other, as this was not the existing character of the street scene. It was considered that having dwellings on both sides of the road would contribute to a sense of enclosing to that part of Barcham Road and would not be consistent with the rural and open character of the area.

The proposal was therefore not considered to comply with Policies ENV1 or ENV2 and this reason was significant enough to warrant refusal.

There were no concerns regarding flood risk or drainage and the Internal Drainage Board had raised no objections to the proposal subject to soakaways being an effective method of surface water disposal. This would be conditioned should the application be approved.

On balance, the location being outside the development envelope and on a road with no footpath was not considered to meet the social and environmental aspects of sustainability and this was given significant weight as the primary reason for refusal. The secondary reason was that there was considered to be a significantly detrimental impact on the rural open character of this part of Barcham Road from the development of dwellings facing each other along both sides of the road.

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

- Barcham was considered to be a hamlet of Soham. Recent consents had been granted and the issue of refusal was subjective;
- The NPPF emphasised the social role in creating strong healthy communities;
- The Council currently had a problem in demonstrating an adequate five year supply of housing land;
- There had been an application approved by delegated authority in Barcham;
- With regard to appeal decisions in Soham, Fordham and Isleham, the Inspector had commented regarding the use of private motor vehicles. In the case of Kirtling, an appeal had been allowed where the bus stop was 750 metres away, there was no public footpath, and the use of a car was more attractive because of the rural nature of the location;

- This proposal would generate minimal traffic and it would be a far safer environment as a speed survey showed the average speed along the road to be only 30mph;
- There was a bus stop 640 metres away and a Marks & Spencer store nearby;
- Previous consent had been granted to the south west at Perival and Phoenix, and this application site had already been screened;
- The development would be set back and retain the open rural area. This had been adopted by many properties in Barcham Road;
- The applicant wanted to retain the hedging, so any harm would be limited and localised;
- People did lots of research before moving, and the person living here would understand country living.

In response to a question from Councillor Goldsack, the Planning Officer confirmed that the entrance to the site would be a staggered junction, not opposite to Perivale.

Councillor Beckett said he knew this road pretty well and it had always been tried to not have properties opposite each other. He believed that the area should keep its rural sense and he was therefore minded to support refusal of the application.

Councillor Goldsack commented that on precedent, the two adjoining properties countered Councillor Beckett's point. The area looked like an open field but it was not.

Councillor Smith reiterated the Highways Authority's concerns regarding the number of new dwellings being constructed along Barcham Road, and Councillor Hitchin added that a line had to be drawn somewhere; he would go with the Officer's recommendation.

Councillor Hunt felt that Members should go with the views of the professional officers and respect their recommendations; he would vote to refuse the application.

It was proposed by Councillor Beckett and seconded by Councillor Hitchin that the Officer's recommendation for refusal be supported.

When put to the vote, the motion was declared carried, there being 6 votes for and 4 votes against.

It was resolved:

That planning application reference 17/01281/OUT be REFUSED for the reasons given in the Officer's report.

63. CONFIRMATION OF TREE PRESERVATION ORDER E/08/17 – 102 NORTH STREET, BURWELL.

Neil Horsewell, Trees Officer presented a report (S90, previously circulated) from which Members were asked to confirm a Tree Preservation Order (TPO) for one Sycamore tree at 102 North Street, Burwell.

It was noted that the matter was being referred to Committee to consider the comments and objections received to the serving of the TPO, and the requirement to confirm the TPO within six months to ensure the tree was protected for public amenity.

A number of illustrations were displayed at the meeting. These included a map, an aerial image, and photographs of the tree both before and after work had been carried out on it.

The Trees Officer said the Council had been made aware of the threat to the Sycamore and he had contacted the tree surgeon who confirmed that the tree was due to be felled. At that time the tree was unprotected.

The Trees Officer duly visited the site and having made an assessment for the potential to serve a TPO, considered the tree to have sufficient amenity value to be worthy of preservation, to prevent it from being felled. The tree surgeon's clients were advised accordingly.

Members noted that an objection to the serving of the Order was received during the consultation period, but support for the TPO was received from 8 of the neighbouring residents; these were appended to the report along with a copy of the Trees Officer's letter of response to the objection.

The Committee was reminded that the key points for consideration were:

- The Sycamore tree was in good health and a distinctive and rare pollard of considerable age, having been maintained for approximately 150 years;
- Pollarding would extend the life of the tree;
- A TPO would not prevent the future management of the tree or prevent consideration of the site for development in any future planning applications.

The Trees Officer concluded by saying that the Sycamore pollard was an impressive and natural addition to the local landscape, and it was worthy

of preservation. He then responded to comments and questions from Members.

Councillor Edwards said she was horrified to see the extent of pollarding, and Councillor Beckett asked if the tree could have been pollarded to that extent if it had already had a TPO. The Trees Officer replied that the tree did need work and he probably would have permitted it, but it would take time to grow back.

Councillor Cox asked how long it would take for the tree to grow back and the Trees Officer said that it would approximately 20 years to achieve a full crown.

Councillor Ambrose Smith asked the Trees Officer how he got to the bottom of what was going to happen to the tree, and he said that having spoken to the tree surgeon, he was satisfied that there was a threat to the tree.

It was proposed by Councillor Beckett and seconded by Councillor Edwards that the Officer's recommendation for confirmation of the TPO, without modifications, be supported. When put to the vote,

It was resolved unanimously:

That Tree Preservation Order E/08/17 be confirmed without modifications.

64. PLANNING PERFORMANCE REPORT – JULY 2017

The Planning Manager presented a report (S91, previously circulated) which summarised the planning performance figures for July 2017.

Members noted that the Planning department had received a total of 233 applications during July, which was a 47% increase on July 2016 and a 7% increase from June 2017.

The Planning Manager said an agency Planning Officer had joined the department to help with the workload, and she expressed her thanks to all her team for their hard work; she was really proud of them.

The Chairman concluded by thanking Members and Officers for their forbearance on what had been a very long afternoon, and this sentiment was echoed by the Planning Manager.

It was resolved:

That the Planning Performance Report for July 2017 be noted.

The meeting closed at 6.17pm.