



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee  
held in the Council Chamber, The Grange, Nutholt Lane  
Ely on Friday, 6<sup>th</sup> November 2015 at 2.05pm

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

Councillor Joshua Schumann (Chairman)  
Councillor Derrick Beckett  
Councillor Paul Cox  
Councillor Lorna Dupré (Substitute for Councillor Austen)  
Councillor Lavinia Edwards  
Councillor Neil Hitchin  
Councillor Mike Rouse (Vice Chairman)  
Councillor Lisa Stubbs

### **OFFICERS**

Julie Barrow – Planning Officer  
Maggie Camp – Legal Services Manager  
Ruth Lea – Senior Lawyer, Peterborough City Council  
Penny Mills – Senior Planning Officer  
Janis Murfet – Democratic Services Officer  
Andrew Phillips – Senior Planning Officer  
Sue Wheatley – Planning Manager

### **ALSO IN ATTENDANCE**

Councillor Vince Campbell  
16 members of the public attended the meeting.

#### 42. **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Sue Austen and David Chaplin.

It was noted that Councillor Dupré would substitute for Councillor Austen for the duration of the meeting.

It was further noted that the Director, Regulatory Services had also offered apologies for absence, as she was attending a training course.

#### 43. **DECLARATIONS OF INTEREST**

Councillor Beckett declared a personal interest in Agenda Item No. 7 (15/00874/FUL – 83 The Causeway, Isleham) and having sought advice, was informed by the Legal Services Manager that he was permitted to

remain in the Chamber and participate in the discussion and voting on the application.

44. **MINUTES**

Members were asked to note that Appendix 1 to the Minutes of the previous meeting (Planning Performance Report for September 2015), had erroneously been omitted from the agenda papers. However, they were included in the Minutes to be signed by the Chairman, and they had also been published on the Council's website. Whereupon,

It was resolved:

That the Minutes of the Planning Committee meeting held on 7<sup>th</sup> October 2015 be confirmed as a correct record and signed by the Chairman.

45. **CHAIRMAN'S ANNOUNCEMENTS**

- The Chairman reminded the Committee that at the last meeting, they had been informed that in future they would receive a monthly update on planning performance. However, due to the way in which the statistics were compiled, it had not been possible to table October's figures and so they would be emailed to Members. Officers would seek to find a better way to disseminate the information for future meetings;
- The Chairman said it was with regret that he announced the forthcoming departure from the Authority of Penny Mills, Senior Planning Officer, and Sue Wheatley, Planning Manager. On behalf of the Committee he offered sincere thanks for all their hard work and wished them well for the future.

46. **15/01041/FUL – LAND TO REAR OF NO.69 HIGH STREET, BOTTISHAM**

Julie Barrow, Planning Officer, presented a report (Q99, previously circulated) which sought consent for the erection of two dwellings on land to the rear of 69 High Street, Bottisham, following the demolition of existing outbuildings. The application had been submitted following the grant of planning permission for one dwelling on a similar footprint to that now proposed.

On a point of housekeeping, it was noted that in paragraph 7.5.5 the distance was 10 metres and not 5 metres as stated.

It was noted that the application had been called in to Planning Committee by Councillor Vince Campbell at the request of the Parish Council.

The dwellings were to be formed from an existing outbuilding that would be used as a car port with the main dwellings being constructed

alongside the car port. The dwellings would have the appearance of a converted barn/outbuildings and would be arranged in a “U” shape.

The only change made to the built form from that previously approved was the addition of a flat-roofed, single storey element on the northern boundary. The applicant was proposing to divide the enlarged building into two dwellings with two parking spaces per dwelling being provided within the car port. A pathway was proposed leading from the vehicular access to Plot 2, which would be located to the rear of the site and a 1.8 metre high hedge was proposed in the area between the two dwellings for privacy.

Amended plans had been received during the course of the application, showing the single storey addition to be stepped in from the main dwelling and for the north facing elevation to be fully glazed.

A number of illustrations were displayed at the meeting including a map of the application site, an aerial view, the layout and design of the proposal and two photographs in connection with visual amenity and cultural heritage.

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

- Principle of development;
- Visual amenity and cultural heritage;
- Residential amenity;
- Biodiversity and ecology; and
- Highway safety.

In summarising her report, the Planning Officer reiterated that the Council could not currently demonstrate that it had a five year housing land supply and therefore all applications for new housing should be considered in the context of the presumption in favour of sustainable development. The site was located within the established development framework of Bottisham, in a built up residential area close to the facilities and services on offer in the settlement. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the site was therefore considered to be in a sustainable location.

With regard to visual amenity and cultural heritage, the Committee noted that there had been pre-application discussions at which the applicant had agreed to construct the main section of the approved dwelling on a similar footprint to the existing outbuildings, and where it adjoined the public footpath, it was a similar height. The applicant was advised not to extend the length of the main section of the building in order to preserve views of Holy Trinity Church from the public footpath where it comes off Downing Close.

Amendments were made to the design of the two “wings” during the previous application, and their ridge was reduced to match the main dwelling. These amendments were considered acceptable, with the result

that the approved dwelling replicated the style and form of the existing outbuildings.

Speaking of residential amenity, the Planning Officer reminded Members that Local Plan Policy ENV2 sought to ensure that development proposals did not have a significantly detrimental impact on the residential amenity of nearby occupiers and of future occupiers of new dwellings. This proposal would have amenity space split between two dwellings and there would be a hedge for privacy. The inward facing bedroom windows would be fitted with obscure glazing and there would be a 1.8 metre high fence on the rear boundary. Conditions would be proposed in relation to construction times, and it was not considered that the scheme would have a detrimental impact on the Almshouses or dwelling to the north. On balance, it was considered that, subject to the use of appropriate materials, the revised proposal would not harm the character and appearance of the area or the nearby listed building, and it would preserve the character of the Conservation Area.

In terms of highway safety, it was noted that the concerns raised by the occupiers of No.65 and the Parish Council regarding the suitability of the access and the fact that cars might be parked on the High Street were not shared by the Local Highway Authority. It was considered that as adequate visibility splays could be secured by condition, and two car parking spaces per dwelling were being provided, the Local Planning Authority could not sustain an objection to the proposal on highway or parking grounds.

In connection with biodiversity and ecology, the Committee noted that comments had been received from the Council's Trees Officer since publication of the Committee report, recommending a change to layout to preserve a Silver Birch. However, since the principle of the removal of trees had been established by earlier applications, it would be unreasonable to take a different approach in respect of this application. It was considered that a scheme of replanting and protection could be secured by condition.

The ecology report submitted with the previous application was resubmitted, and on the basis of the information provided, it was considered that the applicant had taken appropriate measures to protect the biodiversity and ecological value of the site, in accordance with Local Plan Policy ENV7.

In proposing that the Officer's recommendation for approval be accepted, Councillor Rouse said he understood the Parish Council's concerns, but believed that this scheme could be achieved and it would have a well designed look. The Chairman commented that the Parish Council had raised highway issues but the Local Highway Authority had raised no concerns and therefore it was difficult to argue this. Councillor Beckett seconded Councillor Rouse's motion, adding that he believed it would be in keeping with the area.

When put to the vote,

It was resolved unanimously:

That planning application reference 15/01041/FUL be APPROVED, subject to the conditions as detailed in the Officer's report.

47. **15/00723/ESF – GOOSE HALL FARM, FACTORY ROAD, BURWELL**

Penny Mills, Senior Planning Officer, presented a report (Q100, previously circulated) which sought permission for the installation and operation of an array of photovoltaic solar panels at Goose Hall Farm, Burwell.

On a point of housekeeping, Members' attention was drawn to a tabled paper which set out comments from the County Wildlife Trust and the County Council, which had been received after the completion of the Officer's report.

The County Wildlife Trust stated that they had no particular concerns relating to ecological impacts of the proposals. Should permission be granted, they asked that the mitigation, management and monitoring should be implemented as detailed in the Environmental Statement and the Biodiversity Management Plan; they therefore agreed with the inclusion of the suggested conditions.

Cambridgeshire County Council noted that the application area fell within the Mineral Safeguarding Area designated by the adopted Cambridgeshire and Peterborough Core Strategy (2011) and partly within the Mineral Consultation Area for the allocation made in the adopted Cambridgeshire and Peterborough Site Specific Proposals Plan (2012) for the Burwell Brickpits, Burwell. The applicant therefore needed to demonstrate that the proposed development would not prejudice the allocation and the working of the existing /planned mineral working in accordance with Policy CS27. It was suggested that the developer needed to confirm that there would be no structures or panels in close proximity to the allocated area for mineral working which could prevent it from being worked.

The solar panels would have a high energy generation capacity, and the energy generated would be fed directly into the local power grid network for use by the nearest points of demand. The development was a temporary/medium term use with an operational life of approximately 30-35 years. After this time, all equipment associated with the solar farm would be removed from the site and minor remediation works undertaken.

A number of illustrations were displayed at the meeting. These included a map of the application site, an aerial view, a typical section and elevation of the proposal and photographs in connection with visual amenity and cultural heritage, and residential amenity.

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

- Policy context;
- Visual amenity and countryside character;
- Residential amenity

- Cultural heritage;
- Flood risk and drainage;
- Ecology and biodiversity; and
- Highways.

In summarising the main points of her report, the Senior Planning Officer said that in the case of renewable energy development, significant weight should be given to the benefits of the scheme in terms of the contribution to the national objective of promoting renewable energy technologies.

With regard to policy context, as well as Local Plan Policy and the Renewable Energy Development (Commercial Scale) Supplementary Planning Document, the proposed development also had to be considered in the context of the National Planning Policy Statements, which were a material planning consideration.

Speaking of visual amenity and countryside character, the Senior Planning Officer stated that some visual receptors in the immediate vicinity would experience the greatest impact. However, the visual impacts could be sufficiently mitigated to meet the requirements of ENV6 and minimise the weight this would carry against the proposal. It was therefore considered that a solar farm could be accommodated within the site without significant harm to visual amenity or the character of the surrounding area.

Turning next to the issue of residential amenity, Members noted that although the land surrounding the application site was predominantly undeveloped farmland, there were some properties and Travellers pitches in relatively close proximity. The Environmental Health Officer was satisfied that noise levels would be acceptable. No floodlighting had been proposed as cameras would have night vision and there would be very little additional traffic generated by the development during its operational phase. The application was considered acceptable in terms of residential amenity and it complied with Policy ENV2 of the Local Plan.

A comprehensive heritage impact assessment had been submitted with the application and the Conservation Officer had raised no objections. It was thought that there would be negligible impact on the character, appearance and setting of the listed buildings or Conservation Area. With the use of appropriate mitigation and conditions, it was considered that the application was acceptable and in compliance with Policies ENV11, ENV12, and ENV14 of the Local Plan and with the requirements of the renewable Energy SPD with regard to heritage.

The application site was located within Flood Zones 1, 2 and 3 of the Environment Agency's Flood risk Maps and it also fell within the Swaffham Internal Drainage Board (IDB) area. There had been no objections from either the IDB or the Environment Agency; the proposal was considered to pass both the sequential and exception tests in that there were no other suitable sites for the development, it was safe for its lifetime, with no adverse impact on flooding elsewhere, and there would be wider sustainability

benefits. On balance it was therefore considered that the development was in accordance with Policy ENV8 of the Local Plan and with the NPPF.

Members noted that the application site comprised arable farmland bordered by species poor intact and defunct hedgerows, some with associated ditches. Wicken Fen Ramsar and Site of Special Scientific Interest was to the northwest of the site and the County Wildlife Site of Burwell Brick Pit and New River, and Monk's Lode were adjacent to the western boundary of the site and 200m to the north respectively.

Natural England confirmed that they had no objection in terms of the designated sites. It was considered that there would be no adverse effects on the County Wildlife Sites and measures would be put in place by means of a planning condition to mitigate any potential impact.

In their consultation response, Natural England had stressed the excellent opportunities that solar farms provide in terms of biodiversity enhancements. The Senior Planning Officer reiterated that the applicant had submitted both an Environmental Statement and a Biodiversity Management Plan, and significant biodiversity enhancements would be secured by use of a planning condition. It was considered that the proposal complied with Policy ENV7 of the Local Plan and would bring enhancements in biodiversity which would weigh in favour of the development in the planning balance.

It was noted that while the operational phase of the solar farm would result in very few additional traffic movements to and from the site, there would be more significant traffic generation during the construction and decommissioning phases. County Highways confirmed that they were satisfied with the proposals, subject to the use of conditions securing a Construction Management Plan and full details of the site access. Concerns had also been raised over the impact on road user and public footpath user safety, but the Public Right of Way Officer had no objections and was happy that this had been adequately addressed. Further detail on these issues would be secured through the Construction Management Plan.

With regard to other material matters, Members were reminded that there were no Local Plan policies specifically relating to the loss of agricultural land. However, paragraph 112 of the NPPF stated that “ ... *Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.*” The Environmental Statement confirmed that the site was within land classified as primarily Agricultural Land Grading 2 (83%) with 17% Grade 3a.

The Local Authority had taken the view on previous applications that due to the nature of solar farms, which were a temporary use of the land not requiring large areas of hard standing, they did not represent an irreversible loss of agricultural land. The applicant had confirmed that the site would remain in agricultural use throughout the lifetime of the development through grazing sheep between and around the panels. Upon decommissioning, the land would be returned to its former agricultural use.

In the light of this, it was considered that the scheme was in accordance with paragraph 112 of the NPPF and paragraph 013 of the

Government's Planning Practice Guidance. The proposal also met the criteria in relation to the use of agricultural land, as set out in the SPD and Local Plan Policy ENV6.

The Senior Planning Officer concluded by drawing Members' attention to the illustrative that set out the benefits and adverse effects of the proposal. It was considered that the adverse effects would not outweigh the benefits associated with renewable energy development, and the application was therefore recommended for approval.

At the invitation of the Chairman, Brendan Clarke, agent for the applicant, spoke in support of the application and made the following comments:

- Lightsource SPV 115 Ltd was the largest developer in the UK;
- This application was considered to be on balance with policy and it would contribute to renewable energy;
- The site had been identified some years ago and its size was financially viable;
- East Cambridgeshire was relatively constrained regarding grid capacity, but this site connected to the sub-station;
- The sequential test had been completed and there were no other options available;
- This was the most appropriate site, and the area was already dominated by the built form;
- During pre-application investigations there had been community consultation and the site had evolved from this;
- Much work had been carried out regarding traffic routes;
- The scheme had attracted very little opposition;
- There would be limited harm caused to the area, with planting and mitigation measures put in place;
- Local and national policy proscribed weight in favour of renewable energy development;
- The scheme would generate enough energy for 11,000 homes;
- There would be gains from the ecological enhancements and mitigation to address any potential impacts;
- The benefits of this proposal outweighed the adverse effects.

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



In response to a question from the Chairman regarding the public consultation, Mr Clarke explained that it had taken place between August 2014 and May 2015. "Drop in" sessions had been held, there had been a leaflet drop, and direct consultation with the residents at Howlem Balk.

Councillor Beckett, having noted that the site was in Flood Zone 1, asked what effect flooding would have on the solar panels. Mr Clarke replied that there would be very little effect; the solar park would be protected by fences and bunds. Even if there was to be a flood of a "1,000 year" scale, the water would run well below the panels, interacting only with the piles. There would be no chance of the panels short circuiting and there would be no impact on the running of the solar farm. The buildings were sited outside the flood zones.

Councillor Cox wished to know how many panels would be on a farm of this size, and he also asked about the life expectancy of the scheme. Mr Clarke stated that he could not give specific numbers, but the overall life span was 30 – 35 years. The panels were warranted up to a certain percentage of degradation without any maintenance, but if individual panels failed, they would be replaced immediately.

Councillor Edwards asked about the public not being able to use the temporary access track and was informed that this had yet to be agreed with Highways. It would effectively be a stone gravel road, and there would possibly be banksmen located there to control access. Only construction traffic would be permitted to use this access route and there were a number of options available to ensure that it did not become a rat run.

The Chairman observed that the list of conditions did not include one for the decommissioning of the solar farm, and the Senior Planning Officer replied that it was covered in the Decommissioning Management Plan.

Councillor Beckett noted that it was proposed to mitigate the visual impact by additional infill hedgerow planting and tree planting. As the proposal would be in open fen landscape, he questioned whether this was the correct approach and whether it would be better to leave it open. The Senior Planning Officer replied that a balanced approach was required and the landscape would be softened with sensitive infilling.

Councillor Beckett next asked how the people of Burwell would benefit from the scheme. The Senior Planning Officer said that the Parish Council would receive an annual sum, but this was not a material planning consideration. The scheme would also bring an increase in biodiversity and possibly educational opportunities. Mr Clarke added that the annual sum would be a set amount tied to the scale of the farm for 15 years.

Councillor Rouse thanked the Senior Planning Officer for a very thorough presentation, and proposed that her recommendation for approval be supported. The motion was seconded by Councillor Cox, and when put to the vote,

It was resolved unanimously:

That planning application reference 15/00723/ESF be APPROVED, subject to the conditions as detailed in the Officer's report.

48. **15/00874/FUL – 83 THE CAUSEWAY, ISLEHAM**

Penny Mills, Senior Planning Officer, presented a report (Q105, previously circulated) which sought permission for the construction of a detached, single storey dwelling. It would have a simple pitched roof and “L” shaped footprint. A detached garage and parking and turning area to the south of the site, between the new dwelling and the host property (No.83), was also proposed.

The dwelling would be positioned 1.5 metres from the boundary with the gardens of the properties along Bowers Lane to the east. The rooms on this eastern side would be served by five roof lights. Three Poplar trees on the western boundary of the site and a section of hedge on the eastern boundary would be removed to allow for development.

A number of illustrations were displayed at the meeting. These included a map of the application site, an aerial view, the layout and design of the proposal, and photographs relating to visual amenity and heritage, and residential amenity.

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

- Principle of development and planning history;
- Residential amenity;
- Visual amenity;
- Historic environment;
- Trees and biodiversity; and
- Highways.

The Senior Planning Officer reiterated that the Council could not currently demonstrate that it had a five year housing land supply and therefore all applications for new housing should be considered in the context of the presumption in favour of sustainable development, as set out in the NPPF.

The application site already had planning permission for a single two-storey dwelling, and although this proposal would have a slightly larger footprint, it would provide only single storey accommodation and would therefore have less impact on the amenity of neighbouring occupiers. The previous outline planning permission was a material consideration.

The proposed dwelling would have some impact on the residential amenity of the neighbouring dwellings in Bowers Lane. However, this was considered to be considerably less than that which would have arisen from a two storey dwelling, as approved in the earlier application.

The proposal was not substantially different to the sort of building that could be constructed as an outbuilding under permitted development. Due to its low height, the building would not have a significant overbearing impact on neighbouring dwellings, despite the difference in levels.

In terms of visual amenity and the historic environment, the Conservation Officer agreed that this proposal was less intrusive and the property would not be visually dominant. The simple design would not compete with the host dwelling or the neighbouring listed building, reducing the impact on the character, setting and appearance of the designated heritage assets nearby. For these reasons the Conservation Officer did not object to the proposal; on balance it was considered that the proposal met the requirements of Policy ENV12 of the Local Plan.

Members noted that the Trees Officer had sought additional information regarding the three trees and section of hedge to be removed, and having reviewed the submitted information, was satisfied that none of the trees would be suitable candidates for a Tree Preservation Order. As such there was no objection to the application.

The access from the public highway was the same as the access for the previous application, but the configuration from the existing access drive into the site was slightly different to take account of the existing access rights. The Highways Officer confirmed that there was no objection in principle, but had reiterated the request that the access be widened to 5 metres for the first 10 metres stretch. It was considered that it was unreasonable to insist on further widening of the existing access beyond that shown on the submitted plans.

The Senior Planning Officer concluded by saying that on balance the adverse effects would not significantly and demonstrably outweigh the benefits of the development; the proposal would meet the requirements of Policies COM7 and COM8 of the Local Plan.

Councillor Rouse remarked that a single storey dwelling would be an improvement and the Chairman added that at the site visit, the difference in levels to the properties at Bowers Lane at been noted.

It was duly proposed by Councillor Rouse and seconded by Councillor Stubbs that the Officer's recommendation for approval be accepted, and when put to the vote,

It was resolved unanimously:

That planning application reference 15/00874/FUL be APPROVED, subject to the conditions as detailed in the Officer's report.

49. **15/00950/FUL – LAND TO SIDE OF 37 TRINITY CLOSE, FORDHAM**

Julie Barrow, Planning Officer, presented a report (Q101, previously circulated) which sought consent for the construction of a single storey dwelling together with parking area, access and associated site works.

The site was located within the established development framework of Fordham in a predominantly residential area. Access would be via a shared driveway serving Nos. 37 and 38 Trinity Close. An existing garage on the edge of the site would be demolished to facilitate the development.

It was noted that the application had been called in to Planning Committee by Councillor Joshua Schumann.

A number of illustrations were displayed at the meeting. These included a map of the application site, an aerial view, the layout and design of the proposal, and a photograph relating to residential amenity.

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

- Principle of development;
- Residential amenity;
- Visual amenity; and
- Highway safety.

Members were reminded that the Council could not currently demonstrate that it had a five year housing land supply and therefore all applications for new housing should be considered in the context of the presumption in favour of sustainable development, as set out in the NPPF.

The Planning Officer drew Members' attention to paragraph 3.1 of her report, which set out details of the planning history. It was noted that in 1987 planning permission had been granted for a change of use from open space to residential and a condition was attached stating that no further development could take place on the site unless otherwise agreed in writing by the Local Planning Authority. The reason given for this condition being imposed was "*to retain control over the construction of any buildings or other structures which might significantly harm the character of this area on the estate.*"

Since the 1987 change of use application, four applications had been made for the construction of a dwelling on the site. Three were refused and one was withdrawn; the most recent application was made in 2004.

The Planning Officer reiterated that of particular note in the determination of this application was an appeal against the refusal of planning permission for a single storey dwelling in 1991/92. The appeal was dismissed because the Planning Inspector took the view that as the garden would not appear in views from the highway, the dwelling would appear cramped. He felt that it would not fit well into its surroundings and it would cause significant harm to the character and appearance of the area.

Turning next to residential amenity, the Planning Officer said that there would be additional vehicular movements in connection with the proposed dwelling and they would cause noise and disturbance that could not be fully mitigated. There had been no substantial change to planning

policy or guidance in the intervening period since 1990 that would justify allowing a proposal that would have a significantly detrimental impact on the residential amenity of nearby occupiers. As such, it was considered that the proposal failed to comply with Policy ENV2 of the Local Plan.

There were two dwellings to the west of the site and in 2004 it was considered that the site would be significantly overlooked by these dwellings, resulting in low levels of privacy. There had been no substantive change in the proposal or the surrounding development that would improve this situation, and this weighed heavily against the proposal in the planning balance.

With regard to visual amenity, Members noted that while specific policies relating to backland development had changed since 1991/92 and 2004, it was considered that the basic principles remained the same and that the guidelines set out in the Design Guide SPD were relevant in the determination of this application.

Although the size of the dwelling had been reduced and the new garage removed, there was no material change in the proposal that would overcome the previous reason for refusal; the proposed development would represent an unacceptable cramped form of infill development within a restricted residential garden which lacked road frontage. On this basis it was considered that the proposal failed to comply with the requirement for the location, layout, scale, form and massing of a development to relate sympathetically to the surrounding area. The proposal was therefore contrary to Policy ENV2 of the Local Plan, and this weighed against the proposal in the planning balance.

The Local Highway Authority did not object to the proposal, being satisfied that there was sufficient parking provision and that there would be no significant adverse effect on the public highway.

The Planning Officer concluded by saying that although the proposal would bring the benefit of an additional dwelling to add to the housing stock, there had been no material change in policy since the previous refusals and appeal. On balance the adverse effects outweighed the benefits and the application was therefore recommended for refusal.

At the invitation of the Chairman, Mr R Bowen spoke in objection to the application and made the following points:

- He was concerned about traffic on the driveway;
- He had right of way to his garage, with no restrictions, and he was partly responsible for the maintenance of the driveway;
- He had concerns about the plan to demolish the garage because it was one of a pair and this could cause damage to his garage;
- Mr Rampley had assured him that there would be no heavy traffic, but vehicles would pass within a few feet of his property, potentially causing structural damage;

- The soil was sandy and he knew of subsidence;
- He queried the access to the driveway from Mr Rampley's land. On the original plan there was a fence around the play area and there was no right of way to the driveway;
- The path is used to get to the area to carry out maintenance;
- There is no legal right of way across the driveway, it is completely private.

At the invitation of the Chairman, Jamie Palmer, agent for the applicant, addressed the Committee.

He asked to be permitted to show Members a copy of the deeds relating to the land, but was informed that he could not do so, as it was not a material consideration. Mr Palmer then made the following comments:

- There had been numerous applications, but this was for a smaller unit with two bedrooms and two parking spaces;
- The dwelling would sit forward on the site;
- He disagreed that the application had not changed, because it had changed significantly. At appeal the properties were unchanged but since then people had added extensions;
- The Inspector had not considered the plot size to be out of character, and the access would serve three dwellings;
- The applicant owned the access and the other two had right of way;
- The applicant had bought the garage and therefore had the right to use the access;
- There was a similar situation at the hammerhead in Trinity Close, which served five properties;
- With regard to the demolition of the garage owned by the applicant, No.38 Trinity Close had rights under the Party Wall Act 1996 and this would ensure integrity;
- There would be acoustic and boundary treatments to mitigate any adverse effects;
- The Close was built in 1966-68, and other properties in 1970. The issue of overlooking should have been raised then, so why was it being raised now ;
- The nature of the dwelling would create its own privacy;

- No.20 did not have a frontage;
- Vacant corner plots were a thing of the past and there was no reason to refuse this application.

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

Councillor Beckett appreciated that it might not be material but asked if the applicant would be willing to take over the maintenance of the roadway in the event that it became damaged. Mr Palmer replied that any damage would be rectified, for the benefit of all.

The Chairman queried Mr Palmer's comment about No.20 Trinity Close and the Planning Officer informed him that paragraph 12 of the Inspector's report addressed this. Mr Palmer's reference was to the dwelling immediately on the corner at the site.

Councillor Rouse remarked that the site had a very long planning history and he thought the Officer had relied too much on what the Inspector had said 23 years ago. Much had happened and changed since then, and he believed the site was developable. He also noted that a precedent had been set at a site in Burwell. He felt it could take a dwelling and therefore he could not support the Officer's recommendation for refusal.

When asked to expand on his reasons for going against the Officer's recommendation, Councillor Rouse added that the proposal would not have a detrimental effect on the neighbouring properties and there were no concerns regarding highway safety.

Councillor Beckett concurred, adding that things had moved on, and while he did not like the proposal, he failed to see any reasonable grounds for refusal. He asked that if the application was approved, an additional condition be imposed to remove the permitted development rights. This would be a safeguard to ensure that what was built was not different to what had been approved.

The Chairman said that if Members were minded to approve the application, conditions should be delegated to the Planning Manager.

It was duly proposed by Councillor Rouse and seconded by Councillor Beckett that the Officer's recommendation be rejected. When put to the vote, the motion was declared carried, there being 5 votes for, 1 against, and 1 abstention.

It was resolved:

That planning application reference 15/00950/FUL be APPROVED for the following reasons:

- 1) Members believe that the site is developable, and the size of the site is suitable to take a single dwelling;

- 2) The Local Highways Authority does not have any concerns regarding traffic generation and does not feel that there will be any adverse effect on highway safety; and
- 3) There would not be an adverse effect on the amenity of the occupiers of the dwellings.

It was further resolved:

That the Permitted Development Rights be removed and that any changes proposed to the dwelling be brought back to Committee. Conditions to be delegated to the Planning Manager.

50. **15/00550/FUL – LAND NORTH OF SADLER WAY, STRETHAM**

Andrew Phillips, Senior Planning Officer, presented a report (Q102, previously circulated) which sought permission for the erection of two semi-detached affordable houses at the end of a cul-de-sac known as Sadler Way. The application was amended on 9<sup>th</sup> September 2015 in order to revise the design and to provide a Heritage Statement.

It was noted that the application had been called in to Committee by Councillor Bill Hunt, who wanted it to benefit from debate regarding the concerns of highway safety and capacity, and to allow the comments of the Parish Council to be discussed.

A number of illustrations were displayed at the meeting. These included a map of the application site, an aerial view, the layout of the proposal, and photographs relating to highway safety, visual impact and historical setting. The aerial view highlighted the proximity of two listed buildings to the application site.

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

- Principle;
- Highway safety;
- Impact on residential amenity;
- Visual impact and historical setting.

The Committee was reminded that the Council could not currently demonstrate that it had a five year housing land supply. All applications for new housing should therefore be considered in the context of the presumption in favour of sustainable development.

Policy HOU4 of the Local Plan allowed for schemes for affordable housing outside the village framework as long as there was a required local need, that it was well connected to the village and was in keeping with the local area.



The Parish of Stretham had 35 people on the housing register and these two dwellings would be able to accommodate some of that need. It was noted that the Community Land trust (CLT) was proposing 23 affordable units, but it was still considered that there was a need for additional affordable homes. The provision of two affordable units weighed significantly in favour of granting this application, as it would strengthen the social sustainability of the village. If approved, people with a local connection would have priority.

There had been no objection from the Local Highways Authority, and the addition of two more dwellings was not considered to provide a detrimental risk to the users of the private highway at Sadler Way.

With regard to visual impact and the historical setting, the proposed design was in keeping with the character of Sadler Way and was considered to preserve the visual appearance of the local area. Although the creation of the two dwellings would change the historic outlook from The Old Rectory, it would have no noticeable impact upon public views to this listed building.

It was considered that there was no significant harm from the proposal and the need for affordable housing outweighed the minor harm to the local historical assets.

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

- The Senior Planning Officer had explained the details of the case, so he was present just in case Members had any questions;
- This was a 100% rural exceptions housing scheme and it would answer the Parish Council's query about the houses being allocated to local people;
- The planning balance added significant weight in favour of approval because of this;
- There would be over 70 metres in distance between the proposed dwellings and The Old Rectory, and this would be ameliorated by landscaping;
- There had been some controversy regarding the original scheme and a lack of clarity regarding the local need;
- There was no ambiguity about the need for the scheme when 35 people needed housing.

Mr Kratz concluded by commending the application to Members.

Councillor Beckett recalled serving on the Planning Committee at the time of the original scheme. Having attended the opening, he had been impressed with the standard of work and therefore had no hesitation in proposing that the Officer's recommendation for approval be accepted.

Councillor Rouse seconded the motion adding that this was not a case of "mission creep" because the houses would be allocated to local people.

When put to the vote,

It was resolved unanimously:

That planning application reference 15/00550/FUL be APPROVED, subject to the conditions as set out in the Officer's report, and the signing of a S106 Agreement.

51. **15/00453/FUL – THE FIRS, WILBURTON**

Andrew Phillips, Senior Planning Officer, presented a report (Q103, previously circulated) which sought permission to erect two semi-detached dwellings; the application was amended on 16<sup>th</sup> September 2015.

The site was located within the village framework and Conservation Area, and was within the setting of a thatched Grade II listed building (No.38 The Firs). The remainder of The Firs was a residential development at the end of a cul-de-sac with a traditional style.

It was noted that the application had been called in by Councillor Charles Roberts who wished it to be determined by Planning Committee to prevent delays.

A number of illustrations were displayed at the meeting. These included a map of the application site, an aerial view, the layout and design of the proposal, and photographs relating to design, and the character of the area.

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

- Principle of development;
- Visual amenity and historic environment;
- Residential amenity; and
- Highway safety.

Members noted that the layout of the proposal demonstrated that there was space for two small dwellings to be located on the site, and it was considered that there was no concern regarding the principle of the development.

The Firs was a recent development with a fairly traditional style of dwellings and to the rear of the site was a Grade II listed thatched cottage.

The amended drawings showed the parking spaces now off the public highway. The developer was proposing two vehicular parking spaces and two cycle spaces per dwelling.

Discussions regarding concerns over the design were held with the agent in July and August 2015. It was the Senior Planning Officer's view that either traditional or contemporary could work on the site. A traditional design would be able to blend into the existing development and a strong

contemporary approach could also work. The developer did not want to explore making the dwellings either more traditional or contemporary in appearance.

The Senior Planning Officer reiterated that the two dwellings would be located in a traditional street scene within the Conservation Area and at the rear of a Grade II listed building. The proposal, by virtue of its design, did not take into account the traditional setting in order to preserve the street scene, nor did it seek a strong high quality contemporary design that would enhance the character of the local area. Instead, its mixture of styles made the proposal look incoherent.

The proposed development was considered to detrimentally harm the street scene, Conservation Area and the setting of a listed building by virtue of an inappropriate design that neither preserved nor enhanced the character of the local area.

The proposal therefore did not comply with Policies ENV2, ENV11 and ENV12 of the Local Plan and was recommended for refusal.

Councillor Rouse asked if any comments had been received from Wilburton Parish Council. The Chairman advised that the parish had only looked at the application this week and had no objection.

Councillor Beckett agreed with the Officer's recommendation, saying that this was a village and he did not think the houses should directly front onto the street. The closeness to the thatched cottage gave the proposal the air of being contrived and he therefore proposed that the application be refused.

Councillor Rouse disagreed, saying he believed the proposal would not have as much impact as had been suggested. He was struck by the lack of local opposition, although he, personally, was underwhelmed by the design.

Councillor Beckett responded by saying he believed the dwellings would have a detrimental impact on The Firs, and they would be out of keeping with the street scene. He asked if an additional reason for refusal could be that, being in a village, the houses should not front onto the road.

The Chairman felt it was a difficult situation; he did not particularly like the design and he shared Councillor Beckett's comments regarding the house being so close to the road. He asked the Senior Planning Officer what designs had been recommended to the agent and was advised that the Local Planning Authority could not design the proposal for the applicant. It had been suggested that a more traditional approach (like The Firs) could be taken, or a contemporary enhancement approach; the agent declined both options.

The Planning Manager said that the Officer's reason for refusal was specific and Members should be sure of why they were refusing the application.

In the interests of clarity, the Chairman read out the reason for refusal, as detailed in paragraph 1.1 and Councillor Beckett repeated his request for the inclusion of the additional reason.

The motion for refusal was seconded by Councillor Stubbs, and when put to the vote was declared carried, there being 5 votes for, 1 against and 1 abstention. Whereupon,

It was resolved:

That planning application reference 15/00453/FUL be REFUSED, for the reason as set out in the Officer's report, and for the following additional reason:

In this specific case, the houses should not be built on the street as they would be too close to the road and would not respect the character of The Firs.

52. **15/01071/OUT – LAND REAR OF 90 WEST FEN ROAD, ELY**

Julie Barrow, Planning Officer, presented a report (Q104, previously circulated) which sought outline consent, with all matters reserved, for a detached dwelling on garden land to the rear of 90 West Fen Road.

The plan submitted with the application showed an indicative layout and design for a one and a half storey dwelling with dormer windows to the front and rear. The applicant proposed to demolish one of the two conservatories located to the rear of the host dwelling in order to increase the amount of amenity space available. A new parking area was proposed to the front of the dwelling, accessed off West Fen Road.

The proposal was the same as that submitted earlier this year under application reference 15/00073/OUT, with the exception that the applicants now proposed to lower the height of the sun room attached to the side of the host dwelling by 600mm.

It was noted that the application had been called in to Committee by Councillor Neil Hitchin.

A number of illustrations were displayed at the meeting. These included a map of the application site, an aerial view, a diagram showing the layout and design of the proposal, and photographs relating to visual impact. There was also an indicative layout of the parking proposed for the dwelling and host dwelling.

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

- Principle of development;
- Visual amenity;

- Residential amenity;
- Highway safety.

The Committee was reminded that the Council could not currently demonstrate that it had a five year housing land supply. All applications for new housing should therefore be considered in the context of the presumption in favour of sustainable development.

For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the site was considered to be in a sustainable location.

With regard to the issue of visual amenity, the applicants had attempted to reduce the scale of the side conservatory on the host dwelling. However, the footprint of the built form along the length of Mayfield Close would remain the same and the mature hedge could be removed at any time, exposing the side conservatory to the street scene. It was therefore considered that the cumulative effect of a further dwelling fronting onto Mayfield Close would result in a cramped, contrived appearance, with a poor relationship between the built form along the length of Mayfield Close.

The Planning Officer reiterated that the host dwelling was not within the application site and the Local Planning Authority would therefore not be able to control the works being suggested to the existing conservatory by condition.

The site area of 187 square metres was well below the guideline set out in the East Cambridgeshire Design Guide SPD, which stated that in most cases, building plots should be approximately 300 square metres. Whilst it was accepted that sites close to town centres may fall below this requirement, this area was characterised by its generous plots and openness between rows of dwellings. A plot size significantly below the guideline in this location would not be considered acceptable and the proposal was therefore considered to be contrary to Policy ENV2 of the Local Plan.

Policy ENV2 also required development proposals to ensure that there was no significantly detrimental effect on the residential amenity of nearby occupiers and occupiers of new buildings enjoyed high standards of amenity. The applicants had responded to concerns raised at the pre-application stage that the host dwelling would not retain sufficient private amenity space to the rear by proposing to demolish a conservatory attached to the rear of the dwelling in order to provide additional amenity space.

The proposal was not considered to have a significantly detrimental impact on the residential amenity of the occupiers of nearby dwellings. Whilst the amenity of future occupiers of the proposed dwelling would be affected by neighbouring development, it was considered that, on balance, the proposal complied with Policy ENV2 of the Local Plan in respect of residential amenity.

Members were reminded that access was not being determined today. However, the Local Highway Authority was satisfied that the proposal would not have a significant adverse effect on the public highway, and on

this basis, the proposal complied with Policy COM7 in relation to the provision of safe and convenient access to the public highway.

The Planning Officer concluded by reiterating that the benefits of the proposal had to be balanced against the harm that would arise if the scheme went ahead. The proposal was considered to detrimentally harm the character and appearance of the area, with the proposed dwelling appearing cramped and contrived in the street scene. Such harm attracted significant weight in the planning balance, that it outweighed the benefits of the proposal and the application was therefore recommended for refusal.

At the invitation of the Chairman, Philip Kratz, agent for the applicants, addressed the Committee and made the following remarks:

- He disagreed with the Officer's conclusion, believing that the planning balance gave significant weight in favour of the provision of a further dwelling;
- There would be no harm to residential amenity or highway safety;
- The application was recommended for refusal because of its impact on the street scene;
- When No.50 West Fen Road was approved, it was controversial;
- 1a Mayfield illustrated how the proposal would look;
- This was an outline application, with all matters reserved and if the planning system could not cope with it, then the system was not fit for purpose;
- There was significant weight in the provision of another house to be balanced against the harm to the street scene;
- This proposal was not in The Crescent in Bath, or in the Conservation Area;
- In the absence of any significant and demonstrable harm, permission should be granted.

Councillor Beckett asked if there were any comparable sizes to No.1a Mayfield and he also enquired about the area of the proposal. The Planning Officer replied that No.1a was a three bedroom dwelling, whereas this proposal was for two bedrooms. With regard to the area, the dwelling would cover 49.2 square metres, which equated to 27% site cover.

Councillor Hitchin wondered if the proposal would fill the gap in the street scene and whether the whole site should have been included in the proposal. The Planning Officer replied that the applicants had received pre-application advice and would therefore been aware of her likely recommendation.

Councillor Rouse said he would go against the Officer's recommendation because he believed the site was of a sufficient size to take a modest development if it was well designed. He did not think there would

be significant or demonstrable harm, and the scheme could enhance the area.

The Chairman reminded Members that they should be mindful of the requirements of the NPPF and also give heed to the Authority's policies; this application did not comply with the policies in the Local Plan.

It was proposed by Councillor Rouse and seconded by Councillor Hitchin that the Officer's recommendation for refusal be rejected on the grounds that the proposal would cause no demonstrable harm to the street scene, and would provide another dwelling.

When put to the vote, the motion was declared lost, there being 2 votes for, and 6 votes against.

Returning to the original recommendation it was proposed by the Chairman and seconded by Lorna Dupré that the Officer's recommendation for refusal be accepted.

When put to the vote, the motion was declared carried, there being 6 votes for, and 2 votes against. Whereupon,

It was resolved:

That planning application 15/01071/OUT be REFUSED for the reason as set out in the Officer's report, and subject to the removal of the reference to street scene.

53. **PLANNING PERFORMANCE REPORT FOR OCTOBER 2015**

It was resolved:

That the Planning Performance Report for October 2015 will be emailed to Members, and that Officers will seek to find a better way to disseminate the information for future meetings.

The meeting closed at 4.25pm