



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee  
held in the Council Chamber, The Grange, Nutholt Lane,  
Ely on Wednesday, 7<sup>th</sup> September 2016  
at 2.00pm

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

Councillor Mike Rouse (Vice Chairman in the Chair)  
Councillor Derrick Beckett  
Councillor Ian Bovingdon  
Councillor David Chaplin  
Councillor Paul Cox  
Councillor Lavinia Edwards  
Councillor Lisa Stubbs

### **OFFICERS**

Julie Barrow – Senior Planning Officer  
Barbara Greengrass – Senior Planning Officer  
Oli Haydon – Planning Officer  
Ruth Lea – Senior Lawyer  
Janis Murfet – Democratic Services Officer  
Rebecca Saunt – Planning Manager

### **ALSO IN ATTENDANCE**

25 members of the public attended the meeting.

#### **38. APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Sue Austen, Tom Hunt and Joshua Schumann.

No Substitute Members were present.

#### **39. DECLARATIONS OF INTEREST**

Councillor Bovingdon declared a Disclosable Pecuniary Interest in Agenda item No 5 (15/01491/FUM – Land West of The Cherry Tree Public House, Cherrytree Lane, Soham), being the agent for the vendor of the land. He said he would leave the Chamber before consideration of this item.

#### **40. MINUTES**

It was resolved:

That the Minutes of the Planning Committee meeting held on 3<sup>rd</sup> August 2016 be confirmed as a correct record and signed by the Chairman.

**41. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed Sharron Wilding-Glendye, Office Supervisor, to the Planning Committee meeting.

*At this point, Councillor Bovingdon vacated the Chamber.*

**42. 15/01491/FUM - LAND WEST OF THE CHERRY TREE PUBLIC HOUSE, CHERRYTREE LANE, SOHAM.**

Barbara Greengrass, Senior Planning Officer, presented a report (R75, previously circulated) which sought permission for the erection of 126 dwellings, of which 6 (5%) would be self build plots and 38 (30%) would be affordable housing. The 'hybrid' application was submitted with the proposals for the 120 open market and affordable dwellings being a full application, and the application for the 6 self build dwellings made in outline only, with all matters of detail left as reserved matters.

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

Tabled at the meeting was a letter of objection from Mr Robert Danks, who resided adjacent to the site of the proposed development.

The site was located within Soham at its southern end, west of Fordham Road and north of the Cherry Tree Public House. It was currently open land previously used for agriculture and was bounded to the south and west by public rights of way. The byway to the south was bounded by a substantial hedge with trees, as was the western boundary, giving the site a sense of enclosure from its surroundings.

A new vehicular and pedestrian access into the site was proposed from Fordham Road to the east, providing linkages northwards into the town centre and south and eastwards to the Regal Lane employment area. New pedestrian and emergency vehicular access routes were proposed from the development onto Cherrytree Lane to the south.

A number of illustrations were displayed at the meeting. These included a map of the application site, an aerial photograph, visuals of the proposed layout of the site and the heights of the buildings. There were also visuals showing the elevations of the dwellings fronting Fordham Road, the feature dwelling, street scene, public open space, drainage plan and residential amenity.

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

- The principle of development;
- Visual impact, layout and mix;

- Public open space;
- Flood risk and drainage;
- Ecology and biodiversity
- Residential amenity; and
- Highway safety and impact on the transport network.

With regard to the principle of development, the Senior Planning Officer reminded Members that the site was located within the settlement boundary of Soham and had been identified as a housing allocation within Policy SOH 7 of the Local Plan. The principle of residential development on this site was therefore acceptable.

The site was within close proximity to the range of services and facilities available in the settlement, and was therefore considered to be in a sustainable location.

The Local Planning Authority (LPA) was currently unable to demonstrate an adequate five year supply of land for housing and therefore the policies within the Local Plan relating to the supply of housing should be considered out of date. In view of this, all applications for new housing should be considered in the context of the presumption in favour of sustainable development, as set out in the National Planning Policy Framework (NPPF), unless any adverse impact would significantly and demonstrably outweigh the benefits.

The benefits of the proposal were considered to be the provision of up to 126 additional dwellings (including 6 self build plots), built to modern, sustainable standards and the positive contribution to the local and wider economy in the short term through construction work and future occupiers of the dwellings.

Speaking of the site layout, the Senior Planning Officer informed Members that the dwellings would be visible from Fordham Road, but they would not appear out of keeping with the mix of development types in the vicinity and the existence of a new housing development to the north east. Views of the proposed development would be softened over time by additional structural planting along the site boundaries to retain the green edge to the site along its southern and western boundaries.

Members noted that the applicant proposed to transfer an area of land of 0.8ha to Soham Town Council for use as an extension to the existing cemetery. This would provide an open buffer to the north. The existing green buffer bordering Cherrytree Lane to the south and along the public right of way to the west of the site would be retained and enhanced.

In connection with housing mix and layout, Members were asked to note a correction to paragraph 7.4.2 of the Officer's report. The beginning of the paragraph should have stated 'The **total** mix of housing...' rather than a reference to market housing.

The application proposed 126 dwellings, 38 of which were affordable housing. This equated to 30% and accorded with Policy HOU 3 and SOH 7. Although the total number of dwellings was slightly higher than that proposed within SOH 7, it accorded with the housing mix specified within Policy HOU 1 of the Local Plan, both of which also required provision of a minimum of 5% of self build properties. Provision had also been made for a proportion of dwellings that were suitable or easily adaptable for occupation by the elderly or people with disabilities in keeping with Policy HOU 1.

The amount of public open space provision was in accordance with the requirements of Policy SOH 7 and would be used to provide both a Local Area of Play and Local Equipped Area of Play. However, the Senior Planning Officer informed the Committee that since she had written her report, the developer had submitted an amended plan which showed the 1 in 2 year flood area would now cover the public open space in the south west corner of the site and it was now proposed to remove a section of hedging in this area to enable the maintenance of the ditch.

In the light of comments received from Natural England in relation to the hedge,, the developer had been advised that the proposed amendment was unacceptable due to the loss of the hedge and it was also unclear whether the area in the south west corner of the site would provide usable public open space if it was waterlogged. Discussions with the Lead Local Flood Authority had concluded that the 1 in 2 year flood areas should be excluded from the public open space and the Senior Planning Officer asked Members to require the developer to retain this section of hedging, as all hedgerows should be retained and enhanced.

Turning next to residential amenity, it was noted that the layout had been assessed and was considered to provide a satisfactory level of amenity for future residents of the dwellings. The developer had chosen to site the single storey dwellings along the northern boundary in order to protect the privacy of the residents. Although the plans had been amended to accommodate 64B Fordham Road, some concerns remained.

The County Highway Authority had examined the access arrangements and considered them to be adequate with regard to their width, layout and visibility. Conditions were suggested to include the submission of a traffic management plan for the construction stage. The access location had also been assessed in respect of accessibility and permeability and deemed acceptable by the County Council Transport Planning Team. A number of concerns had been raised by the Team regarding the original Transport Statement, but it was amended and re-submitted, and having been re-consulted, the Team was now satisfied that the proposed development would not have a severe cumulative residual impact on the local road network.

The Senior Planning Officer concluded her presentation by saying that in the light of the outstanding matters (surface water drainage maintenance, and the provision of adequate public open space on site), she had revised her recommendation to take account of this.

At the invitation of the Chairman, Mr Geoffrey Woollard spoke in objection to the application. He said his remarks had been prepared in the expectation that Councillor Schumann would be chairing the meeting.

Mr Woollard continued, saying that as one member of Soham Town Council he was on a mission to move the minds of District Councillors regarding the speed and extent of the expansion of Soham. The Town Council had considered this application several times and on each occasion he had wondered why there could not be just 63 houses on the site. In response to Councillor Schumann telling him that Soham had to grow, he had asked why so fast and to such an extent, because the growth should be proportionate.

In the emerging Local Plan, people were given choices, and it was his belief that growth should be spread around the District. He believed Soham should have 500-600 homes in total, not 4,000. He could see the discontent between what the people of Soham were thinking and their representatives were doing and he cautioned that in the case of the latter, it could be their downfall.

At the invitation of the Chairman, Mr Chris Smith, agent for the applicant, spoke in support of the application and made the following points:

- The site had been allocated for housing and the proposal was in accordance with Policy SOH 7 of the Local Plan;
- Negotiations and extensive discussions had taken place with Soham Town Council and Officers of the District Council;
- The area of land would provide additional open space and a cemetery expansion;
- With regard to the two outstanding issues, they would love to be able to retain the hedge, but the Internal Drainage Board required a section to be removed to permit maintenance. They proposed to address this with replacement planting on the side of the proposed properties;
- On average once every 2 years, there would be low level water on the public open space lasting for a number of hours and this would cause depressions in the grass. They would be happy to address the loss of public open space by making a contribution in lieu.

Mr Smith then responded to comments and questions from Members.

Councillor Chaplin said he was pleased to hear that replacement planting was proposed on the site side of the ditch and thought that it should comprise characteristic English planting. Mr Smith replied that there would be deciduous planting.

Councillor Beckett had a number of questions for Mr Smith. He first asked whether the water would discharge into the Internal Drainage Board (IDB) ditch or onto private land. Mr Smith advised that it would discharge on to private land and then flow through a pipe to the IDB ditch.

Councillor Beckett next queried Mr Smith's comment that the IDB were insisting on the section of hedging being removed as this did not accord with what was in the Officer's report (paragraph 5.1.14 refers). Mr Smith said the alternative to removing the section of hedge would be to make changes to the layout and this seemed to be rather over the top. They felt they had ticked the ecology box and when further pressed by Councillor Beckett, he agreed that it was the developer's choice to remove the hedge.

Moving on to waste collection, Councillor Beckett remarked that there was a whole row of houses where waste could not be collected and he asked if there were collection points on site. Mr Smith responded, saying that an undertaking had been given that all the roads on the development would be to adoptable standard; it was a standard thing to have waste collection points on every Hopkins site.

Councillor Beckett's final question was about the percentage of tandem parking on the proposed development, but Mr Smith was unable to answer as he did not have any figures with him. However, including some tandem parking would enable them to make the development legible and better laid out without the development being dominated by cars.

At the invitation of the Chairman, Councillors Charles Warner and Ann Pallett, representing Soham Town Council, each addressed the Committee in turn. Councillor Warner made the following points:

- There had been concerns about drainage since the inception of the development;
- At present the maintenance of the ditch was unsatisfactory and with an increase in population, it would be put under significant stress;
- The bore size of the pipes was to be increased to 600mm, but the ditch would need to be adopted by the IDB to ensure its maintenance;
- The Transport Study showed that the adverse impact of the development would be significant, as levels of traffic were already exceeding those predicted for when the site was built;
- Soham Town Council had real concerns about capacity in the foul water network and this needed to be addressed;

Councillor Pallett sought clarification regarding the ownership of areas of public space and who would take responsibility for them. Whilst developers were expected to provide public open space, and planted trees and shrubs and provided play equipment, smaller areas were often not maintained. She said she was raising this issue in response to a telephone call from a Soham resident who was complaining about a previous Hopkins development. In view of this she asked if the developer could confirm that all conditions would be fulfilled and the development completed; how the Council would know that this had been done, and could it be guaranteed.

The Senior Lawyer interjected to say that with regard to public open space the normal situation was to have site specific S106 agreement negotiations for public open space. Sometimes the developer would retain

control and at other times the Council would take over the responsibility, with provision of appropriate contributions for future maintenance and agreement as to design and technical specification. It would not be possible to give a guarantee as it would be subject to negotiation and agreement. There can be no guarantee as completion cannot be compelled save if the development is substantially complete and a condition had not been met or a Section 106 agreement trigger had passed.

The Senior Planning Officer said she had spoken to the Open Spaces & Facilities Manager and he had confirmed that he was happy to take on the responsibility for the land in return for a commuted sum. She had specifically asked the developer about the small spaces outside houses and was told that they would be conveyed to the homeowners; it would be the homeowner's responsibility to maintain them.

In reference to Councillor Warner's point about upgrading the size of the existing pipework, Councillor Beckett said it behove East Cambridgeshire as the District Council to get things right. He had significant worries about the whole site and believed that a stringent condition requiring the IDB to take on responsibility for the ditch should be imposed if the application was granted permission. With regard to the hedge in the south west corner, he struggled to see how drainage could be effective with it there because the water would need a clear run. He agreed with the agent's view that as long as there was replacement planting with native species, the removal of that section of hedge was not a great loss.

Councillor Beckett also remarked that he did not like tandem parking; he thought it made it difficult to get round and it did not work.

Councillor Cox asked if detailed levels were taken throughout the site, as he could not see a difference in levels when he visited the site. The Planning Manager replied that the levels were provided as part of the planning application and submitted to the Lead Local Flood Authority.

The Chairman said he believed it essential that the IDB should take over responsibility for the ditch so that it would be cleared and the hedge replanted.

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

It was resolved unanimously:

That approval of hybrid planning application reference 15/01491/FUM be delegated to the Planning Manager, subject to satisfactory resolution of the two outstanding matters (long-term maintenance strategy for drainage ditch and open space contributions), with any additional conditions and the S106 Agreement.

The Chairman thanked the Senior Planning Officer for having worked so hard to produce such a very comprehensive report.

*At this point Councillor Bovingdon returned to the Chamber.*

**43. 16/00564/FUL – SITE REAR OF 7 BELL ROAD, BOTTISHAM.**

Oli Haydon, Planning Officer, presented a report (R76, previously circulated) which sought permission for the construction of a detached two storey dwelling together with associated works, including the creation of a new access off Woodward Drive, the construction of a detached garage and boundary planting.

It was noted that the application had been called in to Planning Committee by Councillors David Chaplin and Alan Sharp; their reasons were listed in paragraph 2.5 of the Officer's report.

A number of illustrations were displayed at the meeting, including a map, an aerial photograph, the layout of the proposal, a visualisation of how it would sit within Woodward Drive, the elevations, and photographs of the streetscene.

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

- The principle of development;
- Visual amenity;
- Residential amenity; and
- Highway safety.

Members were reminded that the Local Planning Authority (LPA) was currently unable to demonstrate an adequate five year supply of land for housing and therefore the policies within the Local Plan relating to the supply of housing should be considered out of date. In view of this, all applications for new housing should be considered in the context of the presumption in favour of sustainable development, as set out in the National Planning Policy Framework (NPPF), unless any adverse impact would significantly and demonstrably outweigh the benefits.

The site was adjacent to Woodward Drive, within the established development envelope of Bottisham and outside of the Conservation Area boundary. The dwelling would be located within the existing garden of 7 Bell Road and accessed off Woodward Drive through a gated opening.

The benefits of this application were considered to be: the provision of a residential dwelling built to modern sustainable standards, and the positive contribution to the local and wider economy in the short term through construction work.

It was considered that the development site represented a highly sustainable location within an established residential area of Bottisham. The surrounding built context supported the idea that this proposal could not



represent back land development without bringing the viability and suitability of Woodward Drive itself into disrepute.

In terms of visual amenity, Members were reminded that the dwelling would be of a modern style with a mix of architectural elements. It would be two storey with brickwork and roof tiles matching the dwellings of Woodward Drive. It was considered that, by virtue of the site's position, the dwelling would have a minimal impact on the street scene.

The plot size well exceeded the guidelines set out in the Design Guide Supplementary Planning Document (SPD) and the garden also exceeded the guideline for rear private amenity space. It would not impinge upon the garden allowance of 7 Bell Road and it would have a minimal impact on the street scene of the High Street and Bell Road.

The Committee noted that the applicant had taken care to ensure that the proposal would minimally impact on the residents of Woodward Drive. The proposal matched the orientation of the nearest neighbour, there were no north or south facing first floor windows, and the front facing windows were over 50 metres from the High Street dwellings. There would be a negligible impact on the natural light of the surrounding dwellings.

With regard to highway safety, the Planning Officer reiterated that Woodward Drive was a private, unadopted road. A number of residents had raised concerns that it could not support an additional dwelling and the increase in traffic movements associated with this. Further concerns were raised regarding the positioning of the dwelling and the lack of a pavement, which could cause a significant hazard to the users of Woodward Drive.

It was considered that the addition of a single dwelling would not compromise the safety and functionality of the Drive. There was sufficient manoeuvring and parking space within the plot, and there would be no impact on the fire engine turning head.

Speaking of other material matters, the Planning Officer informed Members that drainage and the implementation of biodiversity measures would be secured by condition. In order to ensure a minimal level of disturbance to the highway network and residential amenity, a condition would be placed on the decision to request the submission and approval of a Construction Management Plan prior to commencement.

At the invitation of the Chairman, Mr Jon Ogborn addressed the Committee in objection to the application and read from the following prepared statement:

*'I should make clear that I am a Parish Councillor, but am speaking today on behalf of the residents of Woodward Drive and 38 High St, who have agreed this statement with me. I am not representing the Parish Council.*

*In 2010 the government re-designated private residential gardens as not "previously developed", with guidance in the 2012 National Planning Policy Framework that planning authorities should:*

*"consider the case for setting out policies to resist inappropriate development of residential gardens".*

*To quote from a document published by the Dept. for Communities and Local Government this would:*

*“...enable councils to protect gardens from inappropriate development by rejecting planning applications for development that is objected to by the local community and spoils the character of neighbourhoods”.*

*We believe the intent of this re-designation cannot be ignored in this case, with consideration of any precedent it sets for the future. Further, planning consent for Woodward Drive preceded this re-designation and so should not be seen as setting a precedent for future development on private gardens in this locality.*

*In the East Cambs Local Plan Policy ENV2 it emphasises the need:*

*“to preserve, enhance or enrich the character, appearance and quality of an area”*

*and further states that new building should:*

*“Be developed in a comprehensive way, avoiding uncoordinated piecemeal development, to create a strong and attractive sense of place and local distinctiveness.”*

*The area between Bell Rd and Woodward Drive constitutes a particularly pleasant and unique area of open gardens in the middle of the village – benefiting residents of Bell Rd, High St and Woodward Drive.*

*The proposal before you is for a piecemeal development that will place a large house in the middle of this open expanse, unaligned with any surrounding properties and so out of place and completely changing the character of the area.*

*There are several brownfield developments taking place within Bottisham, that are adding very significantly to the housing stock and improving the quality of the locality. In contrast, this proposal will very negatively impact on the appearance of this area and add only one house.*

*We ask the committee to reject this inappropriate piecemeal development on garden land.*

*We would also draw your attention to road safety considerations:*

*Woodward Drive is a narrow private driveway (only 2.75 m. wide), with no protection for pedestrians and two-way traffic movement is not possible. This planning application makes generous provision for car parking, suggesting we may see a significant increase in vehicles using the Drive. This is a very genuine concern for us. Likewise, the risks associated with vehicles exiting from opposite residences into such a narrow roadway cannot be ignored.*

*We would also comment on the exit to Woodward Drive:*

*Previous planning applications on No.7 Bell Rd were declined due to the poor visibility when exiting into Bell Rd. The exit from Woodward Drive is, in fact, more problematic. It enters a busy four-way junction opposite the entrance to a major housing estate and has a dwelling restricting visibility to the left. At peak periods this junction can get very congested, with extensive road-side parking reducing the street to a single lane and further restricting visibility as you exit the Drive. School and public buses stopping nearby add to the complexity.*

*Bottisham Speedwatch have informed us that traffic in the High St has doubled since approval was first given for Woodward Drive. This will only increase with new developments in the village and we request that no further development takes place on Woodward Drive.'*

The Chairman said that during the site visit in the morning he had noticed how difficult it was to exit the road. Two cars were parked illegally and he wondered whether Mr Ogborn had raised the issue with the police. Mr Ogborn replied that he had discussed it with the Planning Officer; raising it with the police was a consideration, but the parking for other houses would be restricted. Councillor Beckett then asked if there were any known accidents involving people exiting onto the High Street. Mr Ogborn said there had been a few scrapes but he did not know of any accidents.

Councillor Chaplin wished to clarify that he and Councillor Sharp had called in the application to Committee because of the public interest and not in relation to the overdevelopment of the site and had he thought so, he would not be sitting in the Chamber listening to the application.

At the invitation of the Chairman, Mr Michael Hendry, agent for the applicant, addressed the Committee in support of the application and made the following points:

- He thanked the Planning Officer for a well reasoned report, but there were a number of points to be clarified;
- The application site was not brownfield and never had been, it was garden;
- The site fronted Woodward Drive and would be accessed from it;
- The original permission was for 5 dwellings;
- The County Council had no objections regarding highway safety and the service connections could be made without any problems;
- The turning area would not be compromised and service connections could be made without causing disruption;
- The proposal made efficient use of the land;
- It would provide a generous garden and maintain residential amenity;
- The applicant was using the same architect as at Woodward Drive;

- The proposal was in keeping with the Drive and , where possible, the external materials would match those of the Drive.

Councillor Beckett observed that quite a bit of the hedge would be removed to allow for construction traffic and he wondered if the visibility splays would be wide enough. Mr Hendry confirmed that a portion of the hedge would be removed because the County Council wanted to see 2x2 metres pedestrian splays on either side of the access.

At the invitation of the Chairman, Mrs Hilda Buchanan, representing Bottisham Parish Council, spoke in opposition to the application and made the following points:

- Illegal parking was a problem all over the village and the Parish Council was trying to address the issue with the police and the County Council;
- Although there had not been any accidents at the location, there had been some near misses;
- The Planning Committee's coach had clipped the hedge on the site visit, and this reinforced concerns regarding emergencies vehicles being able to turn;
- This application could set a precedent leading to further piecemeal development in back gardens, and the Parish Council had to look to the future in this respect;
- The rationale was contrary to local and national policies, and the proposal would affect both visual and residential amenity;
- The dwelling would not blend in because it would be visible from the road;
- The Parish Council was concerned that economy and monetary gain was being given priority over safety and amenity.

Councillor Bovingdon asked Mrs Buchanan if she agreed that there would be sufficient turning space on the plot. She responded, saying that the Construction Plan did not quantify how much of the hedge was to be removed and a large vehicle would have problems when turning.

Councillor Bovingdon next queried the number of developments that would be permitted off a private drive and the Planning Manager confirmed that it was a total of 7 dwellings.

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

- Illegal parking had been a massive issue during his by-election campaign, especially in the High Street, because the houses there had been built at a time when there were no cars;

- He was concerned that there would be a danger of precedent in a confined area;
- The problem of illegal parking in the village was not to the detriment of the applicant, but parking was very limited when coming out of Woodward Drive;
- There were concerns about large vehicles reversing out onto the High Street during construction;
- There was no pedestrian footpath and some vehicles travelled at breakneck speed;
- The proposal would result in a small reduction in the privacy of the properties in the High Street;
- More homes were needed in East Cambridgeshire, but he felt that this one might be in the wrong location.

During the course of discussion, Councillor Chaplin asked the Planning Officer whether there had been any discussion regarding alternatives to a glass structure two storey building. The Planning Officer replied that the design was not considered an issue to warrant discussions to amend the design as it was considered to fit in well so there was no need to discuss changes. Councillor Chaplin thought the glass to be a very attractive feature, but he felt that light pollution should be considered in what was a fairly dark area behind the existing houses. Not many windows faced out onto Bell Road, so perhaps this was not the best place for the plot. These days much was heard about light pollution and he thought this development would be an intrusion on residential amenity.

Councillor Cox did not believe the front of the building was an issue; he presumed that it would not be lit up all night and therefore it would not be a blight.

Councillor Beckett said he struggled to see any objections to this proposal. Whilst sympathising with the residents of Woodward Drive who had raised objections to the scheme, he did not think there were grounds to refuse permission.

It was duly proposed by Councillor Bovingdon and seconded by Councillor Beckett that the Officer's recommendation for approval be accepted. When put to the vote, the motion was declared carried, there being 6 votes for, 1 vote against and no abstentions. Whereupon,

It was resolved:

That planning application reference 16/00564/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

**44. 16/00660/ESF – LAND OFF ELY ROAD, CHITTERING, CAMBRIDGE.**

Julie Barrow, Senior Planning Officer, presented a report (R77, previously circulated) which sought consent for the development of four glasshouses, a 15MW combined heat and power (CHP) plant, two heat storage tanks, a packing and distribution unit, cold store, irrigation room and control centre, offices, parking, water attenuation lagoons, upgraded access track and other ancillary development.

It was noted that this application had been brought to Planning Committee as it involved a major development that had been subject to an Environmental Impact Assessment.

A number of illustrations were displayed at the meeting including a map of the application site, an aerial photograph, the proposal, closer views of the ancillary structures, an elevational drawing of views from the north, a list of all the elements of the development and the widening of the access road, and photographs of similar developments.

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

- Landscape and visual impact;
- Traffic and transportation;
- Cultural heritage and archaeology;
- Sustainable use of land;
- Flood risk and climate change adaption;
- Noise;
- Ecology;
- Air quality and ground conditions; and
- Need and benefits.

It was noted that the proposal involved the comprehensive development of agricultural fields adjacent to an existing anaerobic digester and a number of agricultural buildings. The site formed part of the Stow Bridge Farm land holding. The landform was characteristic of the wider Fens landscape, being very flat and low lying with rectilinear fields.

A Landscape & Visual Impact Assessment (LVIA) had been undertaken and submitted as part of the Environmental Statement and it stated that this landscape area was considered to have a medium sensitivity to the type of development proposed. There was capacity to accommodate large scale development, but there would be a vulnerability to visual change from the introduction of modern structures due to general lack of screening features in the wider landscape.

A number of consultees, including the National Trust, had commented on the landscape impact of the proposal and requests had been made for significant screening to be put in place. Due to the scale of the development, it was not possible to screen the built form in its entirety but the applicant proposed to carry out tree planting on screening bunds that would be created on the southern, north eastern and north western boundaries. This would break up views towards the development and the predominantly horizontal lines/forms of the landscape would be maintained. It was considered that once the boundary planting had matured, the development would have a minor to moderate effect on the landscape.

The Senior Planning Officer stated that in order to maximise output, the applicant proposed to extend the growing period at certain times of the year with artificial LED lighting in the greenhouses during the hours of darkness. She then explained how the light pollution screens would work and showed Members two photographs taken at Reaseheath College where the system was already in operation. The National Trust had raised concerns about the effectiveness of the screens and that the information supplied by the applicant seemed to be vague. However, the applicant had now supplied sufficient information to address those concerns and the use of the light pollution screens could be controlled by condition.

Speaking of traffic and transportation, the Senior Planning Officer said that the site was currently accessed via tracks which ran from an existing unnamed road and connected to the A10 at priority controlled junctions. Improvements would be made to the access track within the site.

Predicted staffing levels had been used to calculate the number of trips likely to be generated by employees. Based on the premise that there would be 120 members of staff on site per day, it was expected that 30 would walk to work, 32 would travel by mini bus and 58 would travel by car. It was expected that the proposal would generate 66 two-way vehicle movements per day, but this, along with staffing numbers, would reduce outside of the May – September harvest period. In addition, there would be 20 HGV movements per day at the site, importing general supplies and exporting produce.

The County Council's Transport Planning Team had examined the Transport Assessment and raised no objections. Two-way traffic flows would increase as a consequence of the proposed development, but this was not expected to create any discernible environmental effects and the operational effects of the proposal on the highway network would be negligible.

With regard to cultural heritage and archaeology, Members were reminded that Section 66 of the Planning (Listed Buildings & Conservation Area) Act 1990 required the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possessed. The Environmental Statement contained a section which assessed the potential effects of the proposal upon the historic environment.

The applicant had demonstrated that no significant harm would be caused to the setting of any heritage assets and a suitably worded condition could be imposed requiring an archaeological investigation to be carried out.

It was considered that the historic environment would be adequately preserved and that any minor adverse effects would attract limited weight against the proposal.

The Committee noted that the development would be located on Grade 1 agricultural land and Natural England had raised concerns that it could be located elsewhere on brownfield or lower quality agricultural land. This however, was a matter of judgement for the Local Planning Authority to determine how much weight should be given to this issue, and the Senior Planning Officer said that no lower quality land was available.

The site was currently managed on a seven year crop rotation and the yields were currently 13.9 tonnes per acre per year. The proposal would be a more intensive use of the land, with anticipated yields of 80 tonnes per acre per year. The applicant stated that this should be considered to be a sustainable use of the land as it would increase productivity of those crops that were largely imported from the continent whilst preserving the natural soils in situ for future generations. The growing of food was still an agricultural practice and therefore there was no change in the use of the land. The applicant had agreed to undertake a detailed baseline survey prior to commencement of development and this would be used to inform a decommissioning plan to be followed should the site need to be returned to its existing agricultural use. The requirement to submit a decommissioning plan would be secured by condition.

In connection with flood risk and climate change adaptation, the Committee noted that the proposed site was situated within flood zones 2 and 3, but in an area that benefitted from defence on the Environment Agency's Flood Map. The applicant had demonstrated that flood risk could be minimised and the development would operate alongside the existing flood defences. The Environment Agency had examined the Flood Risk Assessment and due to the location and the mitigation measures proposed, they had no objections. The Internal Drainage Board and Lead Local Flood Authority had also raised no objections to the scheme.

Because of the nature of the proposal and the inclusion of a combined heat and power (CHP) plant together with a packaging and distribution building and a cold store, the applicant had carried out a noise assessment. It was based on the CHP plant, heat storage tanks, water storage tanks, cold store, irrigation room and control centre operating for 24 hours per day, 7 days per week. The Council's Environmental Health Team had considered the assessment and raised no objections to the proposal. The measures proposed to mitigate against and minimise noise during construction were supported and could be secured by condition. Based on the information submitted with the application it was considered that the applicant had adequately addressed the issue of noise and that, subject to appropriate conditions, the amenity of residents living in the vicinity of the site would not be adversely affected.

A preliminary Ecology Appraisal, including a Phase 1 habitat survey, was submitted with the application and no further surveys were recommended. The Biodiversity Statement submitted with the application detailed how biodiversity enhancements could be incorporated into the scheme. This would include landscape planting and a species rich meadow



mix sown over the remainder of the site; this could be adequately dealt with by condition.

In response to a request from the Council's Trees Officer, further information was submitted in relation to the widening of the access track and the impact on any existing trees along the route. It was noted that the access track was 4 metres wide where it passed the trees and therefore did not need to be widened to accommodate articulated vehicles along this section. The Trees Officer had confirmed that this was acceptable.

The carbon dioxide produced by the gas engines would be used by the plants in the greenhouses and the emissions from the gas engines would be regulated by an Environmental Permit to ensure that there was no risk to air quality or human health. On this basis it was considered that there would be no significant adverse impact upon air quality.

In relation to ground conditions, a Phase 1 Site Investigation Report had been carried out and was assessed by the Council's Scientific Officer as part of the Scoping Opinion stage. Although the risk from land contamination appeared to be low, it was agreed that a Phase 2 investigation, including gas monitoring, should be carried out prior to the commencement of the development. This would be secured by condition.

The Senior Planning Officer reiterated that the proposed development would increase the agricultural productivity of the site significantly through extension of the growing season and careful management of the glasshouse microclimate to maximise yield. While it did not sit neatly within Policies EMP2 or EMP3 of the Local Plan, it did represent a modern way of farming and would build upon a successful landholding that had also diversified in other ways. The gas-fired CHP plant would primarily supply electrical power, heat and carbon dioxide to the proposed glasshouses, and at peak times the surplus power would be exported to the National Grid.

Referring to the slide which set out the planning balance of the scheme, the Senior Planning Officer said that in the absence of any material considerations weighing significantly against the proposal, it was considered the benefits outweighed any minor adverse effects and, on this basis, the application was recommended for approval.

The Chairman thanked the Senior Planning Officer for a very thorough report, saying that she had worked extremely hard on this application.

At the invitation of the Chairman, Mr Kier Petherick, applicant, accompanied by Mr Phil Roden, addressed the Committee and made the following points:

- This was a huge opportunity and such a system was not available five years ago;
- 80% of tomatoes were imported and tomato sales were growing each year. People and retailers wanted them;
- The proposal would deliver employment;
- With LED lighting there could be produce on a 12 month basis;

- The scheme would produce electricity and any surplus would be sold to the National Grid;
- The heat from the engines and the CO2 would go into the greenhouses. They were produced as a by-product and all would be used on site;
- There would be a good working environment, with a temperature of 21° for the 12 months of the year. It was hoped that this would attract local people to work in the facility.

Mr Petherick then responded to comments and questions from Members.

Councillor Cox asked where the gas initially came from and Mr Petherick replied that it had to be from the main to be certain of its quality and consistency. In response to a further question from Councillor Cox, Mr Petherick said the primary output was the gas powered engine, with an overlaying production of electricity. When the temperature was high enough, the engines would not run but capacity could be filled. The connections would be shared between two sites and work in tandem. Mr Roden added that the by-product from the gas engines would be stored in thermos stores; the CO2 was a massive benefit to cultivation.

Councillor Beckett enquired whether the crops were grown hydroponically and was informed that they were suspended in growing medium. He then asked the Senior Planning Officer if there were to be any highway improvements on to the A10 as he was concerned about the number of HGV movements that would be coming off the minor exit. The Planning Manager interjected to say that Highways had assessed all the information submitted and looked at other schemes, but had not requested any additional information.

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

It was resolved unanimously:

That planning application reference 16/00660/ESF be APPROVED subject to the conditions as detailed in the Officer's report, and with any minor revisions to the conditions being delegated to the Planning Manager.

#### **45. 16/00718/FUL – ROSE BARN, ELY ROAD, SUTTON**

Julie Barrow, Senior Planning Officer, presented a report (R78, previously circulated) which sought retrospective consent for the change of use to a mixed use comprising landscaping contractors and events venue. The turfing and landscaping contractors use was a longstanding lawful use of the site and this application sought to regularise the use of part of an existing office and showroom building together with adjacent garden area as an events venue.

It was noted that the application had been brought to Planning Committee at the discretion of the Planning Manager due to the retrospective nature of the application.

A number of illustrations were displayed at the meeting including a map of the location, an aerial photograph, the layout of the proposal, a visual and photographs relating to highway safety and parking provision, and an aerial photograph showing the position of the proposed garden area in relation to the adjacent dwellings.

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

- Residential amenity;
- Highway safety and parking provision; and
- Residential amenity and impact on the adjacent business.

The Committee noted that the building in which events had been taking place was constructed following the grant of planning permission in 2008 for new offices and staff facilities, and staff and customer parking. A planning condition was imposed requiring the building to be used in such a way as the application had been considered, and the countryside location was such that additional uses such as retail would not be appropriate.

Whilst the application had been made in respect of the site as a whole, the introduction of an events venue was not directly connected to the lawful use of the site and the proposal did not therefore comply with the third point of Policy EMP2.

Policy EMP3 related to new employment development in the countryside but the use of the site as an events venue did not fall into any of the B1, B2 or B8 use classes. The policy also required applicants to demonstrate that there was a lack of buildings within a settlement in which the use could take place or that there was a lack of suitable buildings to re-use or replace in the countryside, and the applicant had failed to do this.

Speaking of highway safety and parking provision, the Senior Planning Officer reminded Members of the background to the previous planning application which had been withdrawn. That application was recommended for refusal on the grounds that the proposal did not incorporate adequate on-site vehicular parking and manoeuvring facilities to the standard required by the Local Planning Authority or the Local Highway Authority. A second reason for refusal related to the likely intensification of the use of the existing accesses to the east and west of the site and the increase in conflict and interference with vehicles travelling along the A142.

The applicant had sought to address these concerns by making an application for the change of use of the whole area within its control to increase the on-site parking and manoeuvring facilities. However, it was considered that the proposal would be likely to result in the uncontrolled parking of vehicles and coaches on the private road access fronting the site and the A142, to the detriment of highway safety. The Local Highway

Authority had raised concerns regarding the safety of the junctions as visibility was constrained and it was considered that without highway improvements there would be a severe increase in risk to road users. The proposal therefore failed to comply with Policies COM7 and COM8 and as this weighed heavily against the proposal, there was no option but to recommend refusal.

Drawing attention to the aerial photograph which illustrated the application site in relation to the nearby dwellings, the Senior Planning Officer said that the continued use of the site for events was likely to have an impact on the amenity of residents living close by, in particular at the adjacent kennels. In addition, due to the particular and personal circumstances of the kennel's owner, the proposal could have a detrimental effect on the operation of his well established business. However, there was no specific evidence to show that this was likely to be the case and therefore the issue attracted limited weight.

It was considered that the noise and disturbance generated from the use of the outdoor area and from people leaving the premises late at night could not be adequately controlled by condition. The proposal was therefore considered to have a significantly detrimental effect on the residential amenity of neighbouring occupiers and was contrary to Policy ENV2 in this regard.

In terms of planning balance, the proposal would bring some employment benefits and, from the number of events held, there appeared to be demand for such venues. However, the benefits would not outweigh the adverse effects and the use could not be adequately controlled by condition, therefore the application was recommended for refusal.

At the invitation of the Chairman, Mr William Bridges spoke in objection to the application and made the following comments:

- He was representing the collective at Amberlea Kennels, which had been going for 45 years;
- The two properties (Manager's residence and main residence at Amberlea) were essential under the terms of the licence;
- The business had expanded over the years and this had been achieved by being situated in peaceful surroundings;
- The business was along and adjacent to the old A142, with the private road giving access to the properties;
- The road was not a public right of way, having been the subject of a blocking up order in 1993. It was now a private road serving 5 properties and 3 businesses and the ownership was split between the landowners;
- In 2013 the landscape business diversified and started to hold events. The venue was advertised on social media and the number of events increased significantly to an unacceptable level;

- Rose Barn had planning permission to be used in connection with the landscaping business only and was specifically conditioned when granted;
- He was concerned about public safety because there had been three major road traffic accidents nearby in the last year;
- Highways objected to the proposal;
- There would be a negative impact on his business and customers could be alienated;
- Animal welfare should be considered because the dogs were being unacceptably stimulated by the noise and cooking smells and music from the venue when events were being held;
- In 2012 the kennels won the contract from Cambridgeshire Constabulary for their dogs and this could affect their contract;
- Animals should be given the same consideration as humans;
- There were unacceptable smells and noise coming from the application site and the marquee had been left up for a long time.

In response to a question from Councillor Beckett regarding the road traffic accidents, Mr Bridges stated that they had not involved vehicles entering or leaving the private road.

Councillor Bovingdon remarked that if events had been held at Rose Barn since 2013, then presumably alcoholic beverages were being sold, and he asked if the Council had given the applicant a licence. The Senior Planning Officer reminded Members that planning and licensing were two entirely separate things and Temporary Events Notices would have been granted for events.

Councillor Beckett said he did not like retrospective planning applications and never had. He noted that permission had been granted for Rose Barn to be used only in connection with the turfing and landscaping business. His impression of the events venue was that it was very nice and well done but he did not see that it fitted with the permission there. The whole aspect was established as a party venue but the parking provisions were totally inadequate. He duly proposed that the Officer's recommendation for refusal be accepted.

The Senior Lawyer reminded him that the fact the application was retrospective should not have any bearing; Members should consider the application as it was before them today. She reiterated that the comments regarding the neighbouring business had been given limited weight in the Officer's report. Refusal was being recommended on the grounds of inadequate parking, highways issues and detrimental impact on the residential amenity of nearby dwellings.

Councillor Beckett replied, saying he took this on board; the problem was with parking and residential amenity. There were five houses there and

parking was totally inadequate. Highways had commented on this; his other comments were made subjectively as a Councillor.

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

It was resolved unanimously:

That planning application reference 16/00718/FUL be REFUSED for the reasons given in the Officer's report.

Councillor Stubbs asked what would happen next and the Planning Manager replied that the applicant could appeal the decision. However, events could not go ahead while the decision was being appealed and the Local Planning Authority would look at taking enforcement action.

#### **46. PLANNING PERFORMANCE REPORT – JULY 2016**

Rebecca Saunt, Planning Manager, presented a report (R79, previously circulated) which summarised the planning performance figures for July 2016.

Members were asked to note that an agency worker had joined the department to help out for three months, but a business case was to be put forward for a full time Planning Officer.

All targets had been increased by 10% on last year's targets in accordance with the targets set out in the Service Plan, and with the exception of 'Other' applications, they had been achieved.

It was noted that two appeals had been decided and both had been dismissed.

The new planning conditions had been emailed to the members of the Committee; they had also been circulated to the parish councils and were now on the system.

The Senior Planning Officers and the Planning Manager had been attending parish council meetings and by the next week they would have attended all those who had requested their presence.

Direct action had been taken with regard to Sappers Rest and the building was now demolished. The Chairman said he was aware that this had been a very stressful time but there had been full support by all the Officers involved in this case. He thanked the Planning Manager and Julie Barrow, Senior Planning Officer, for the way in which they had dealt with the situation.

Councillor Beckett added his congratulations to all involved but especially to Mrs Barrow for the way in which she was managing the Enforcement Team, saying that she was doing a good job. He then asked the Planning Manager whether major applications were being compromised and being brought to Planning Committee too early with unanswered questions in order to meet the 13 week target for determination. She replied

that the performance figures showed that 100% of major applications were being determined within 13 weeks or within an agreed extension of time. Many applications were extended to allow issues to be dealt with prior to them being presented to Planning Committee.

Councillor Cox commented that the Soham hybrid application seemed to have been going on for a long time. The Local Plan Working Group was looking at the future, and he wondered if there was some way to speed up developments. The Planning Manager replied that sustainable drainage systems (SUDs) and drainage were holding things up more and more and she had spoken to the Open Spaces & Facilities Manager about this. The Senior Planning Officer added that as the new Local Plan started to go through examination, weight could be given to issues, but it was too early to do so at this point.

Councillor Beckett said there were Highways issues which were regularly raised in Committee and he asked if it would be possible for somebody from Highways to come and give Members a briefing. The Planning Manager said she would speak to Highways to arrange something. Whereupon,

It was resolved:

That the Planning Performance Report for July 2016 be noted.

The meeting closed at 4.52pm.