



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee  
held in the Council Chamber, The Grange, Nutholt Lane,  
Ely on Wednesday, 10<sup>th</sup> June 2015 at 2.00pm

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

Councillor Joshua Schumann (Chairman)  
Councillor Sue Austen  
Councillor Ian Bovingdon  
Councillor David Chaplin  
Councillor Paul Cox  
Councillor Lavinia Edwards  
Councillor Tom Hunt  
Councillor Lisa Stubbs

### **OFFICERS**

Julie Barrow – Planning Officer  
Maggie Camp - Solicitor  
Penny Mills – Senior Planning Officer  
Janis Murfet – Democratic Services Officer  
Jon Pavey-Smith – Planning Officer  
Andrew Phillips – Senior Planning Officer  
Rebecca Saunt – Senior Planning Officer  
Sue Wheatley – Planning Manager

### **ALSO IN ATTENDANCE**

Councillor Vince Campbell  
Approximately 10 members of the public attended the meeting.

#### 3. **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Derrick Beckett and Mike Rouse.

#### 4. **DECLARATIONS OF INTEREST**

No declarations of interest were made.

#### 5. **MINUTES**

It was resolved:

That the minutes of the Planning Committee meeting held on 29th April 2015 be confirmed as a correct record and signed by the Chairman.

6. **CHAIRMAN'S ANNOUNCEMENTS**

- The Secretary of State had not called in the application for the cinema in Ely, and therefore the application could now proceed;
- The Planning Inspectorate had requested an extension of time in respect of the Gladman's Appeal (Witchford). A decision was expected on 24<sup>th</sup> June 2015;
- Consideration of Agenda Item No 6 (14/01423/FUL, Land North East of 2 Crockfords Road, Newmarket) would be deferred until 30<sup>th</sup> June 2015. An additional meeting had been arranged for this date and it would be held in St Mary's Church Hall, Ely.
- For the benefit of new Members, the Chairman explained the procedure for planning applications at Committee.

7. **13/00863/FUL – SECOND FIELD WEST OF PONY LODGE, GRUNTY FEN ROAD, WITCHFORD**

Penny Mills, Senior Planning Officer, presented a report (Q5) which provided details of an application seeking part retrospective planning consent for the construction of a "day room" to be used in association with the existing traveller pitch, granted consent under planning application 10/00005/FUL. The application also sought to regularise other development on the site comprising a stable building and hard standing areas. Permission was being sought for a slightly smaller building than was originally applied for, with an "L-shaped" footprint extending 11.6 metres north-south and 12.8 metres west-east. No increase in the number of pitches on the site was proposed.

The applicant and his family were known to the Council's Acting Traveller Liaison Officer as part of the traveller community, and they were considered to meet the definition of a "gypsy or traveller" as set out in Annex 1 of The Communities & Local Government Planning Policy for traveller Sites.

Illustrations were displayed at the meeting which included a map of the application site, aerial photographs and indicatives of the internal plan and site layout.

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

- Planning policy and the principle of development;

- Scale of the proposal and impact on the character of the area;
- Flood risk and drainage;
- Highway safety;
- Residential amenity;
- Ecology and Protected Species.

It was noted that the application site was located on the south side of Grunty Fen Road, on land designated as countryside, some distance from both Witchford and Wilburton. There was a single vehicular access from the highway and areas of hard standing for the siting of caravans. The site was enclosed by a mix of hedging and fences, and the majority of the surrounding land comprised agricultural fields.

In terms of planning policy and the principle of development, Policy HOU9 of the Local Plan allowed for gypsy/traveller development in the countryside and confirmed the need for the creation of 38 permanent pitches between 2011 and 2031. However, it did not specify what a “pitch” should contain and did not specifically make reference to the provision of day rooms. Similarly, the National Policy did not expand on the nature of what a pitch may contain, although both national and local policy placed emphasis on the need for permanent well serviced pitches to meet local need.

The Communities & Local Government Good Practice Guide “Designing Gypsy and Traveller Sites (2008)” specifically referred to day rooms, stating at paragraph 7.17 that it is essential for an amenity building to be provided on a traveller or gypsy pitch. Such a structure would not need to be movable and could be a permanent structure serving the traveller pitches.

In the light of this guidance it was accepted, in principle, that the provision of a day room may be acceptable, provided that all other material considerations and relevant Local Plan policies were satisfied.

Turning next to the issue of the scale of the proposal and the impact on the character of the area, the Senior Planning Officer referred to the Government guidance which set out the minimum requirements for an amenity building. It was noted that it recommended the inclusion of a number of facilities including a day/living room in the amenity building for family meals. There were no specific guidelines regarding size, but in order to comply with best practice and provide all the recommended facilities, such a building was likely to be a reasonable size. The amended plans for the building showed an open plan layout providing the type of accommodation listed in the Government guidance.

Members were shown an example of a twin unit mobile home, and also an aerial photograph of a gypsy and traveller site in South Norfolk with permanent day rooms to give them an idea of the size a mobile home could be and the appearance of the other approved day buildings. A Section 106 Agreement would ensure that a mobile home could not be sited in addition to the day room. It was felt that the proposal would have no adverse impact on

the character and appearance of the countryside as required by policies ENV1, ENV2 and HOU9 of the Local Plan.

It was noted that there were no residential dwellings located close to the site that would be directly affected by either the day room or the associated stabling. The proposal was therefore considered to comply with Policy ENV2 of the Local Plan in respect of residential amenity.

With regard to other material considerations, the Committee noted that the Internal Drainage Board was awaiting information to overcome their holding objection and there had been no concerns raised by the Highways Officer. In respect of ecology and protected species, there were no designated sites in close proximity and no features indicating the presence of protected species. The proposal was therefore considered to be in accordance with Policy ENV7 of the Local Plan.

The Senior Planning Officer said Government guidance stated that permanent amenity buildings were an acceptable part of a traveller pitch. This proposal would have a similar visual impact to the permitted mobile home, and it was considered that there would be no significant adverse effects on the character and appearance of the area. The stable building was similarly considered to have an acceptable impact in terms of visual amenity.

Due to the size of the site it was considered that a S106 Agreement was required to prevent the siting of a mobile home in addition to the day room, as this would result in an overdeveloped appearance.

On balance it was considered that the proposed development, subject to the recommended conditions and following receipt of drainage details and a completed S106 Agreement, was in accordance with Local and National planning policy and was acceptable.

At the invitation of the Chairman, Councillor Harvey Upton, Chairman of Haddenham Parish Council, addressed the Committee and made the following comments:

- There was an error in the report, in that a response had been received from Wilburton, not Witchford, Parish Council;
- He thanked the Senior Planning Officer for a very concise summary;
- The Parish Council was concerned that if this application was approved, it would set a precedent and the floodgates would be opened for more retrospective applications;
- The Planning Committee had a strong duty to protect the countryside;
- The proposal would cause an increase traffic on the Grunty Fen Road;
- The Parish Council did not like retrospective planning applications;
- In the past, drainage had not been carried out properly.

Councillor Hunt asked if there was a history of retrospective applications or was this the first time. The Senior Planning Officer replied that the initial application had not been retrospective and she reiterated that an application being retrospective was not a material consideration. Referring to the planning history, Members were reminded that the application approved in 2010 was not retrospective, but this one was.

Councillor Edwards wished to know if the proposal was approved, could the day room be used for sleeping. The Senior Planning Officer said it was suggested that a condition be imposed, stating that the day room was not to be used as a main residential dwelling, as this could be enforced, rather than a condition specifically relating to sleeping, which would not meet the relevant tests for a condition.

Councillor Hunt noted that the permission granted in 2010 was for a mobile home, whereas now it would be for a permanent building. He wished it to be noted that he shared Wilburton Parish Council's concerns regarding the application being retrospective and in the open countryside. He did not want to see this happening regularly. However, he acknowledged that the proposal was for a modest change and would cause no significant harm.

Members were reminded that they should judge each case on its own merits.

Councillor Schumann proposed, from the Chair, that the Officer's recommendation for approval be accepted. The motion was seconded by Councillor Bovingdon, and when put to the vote was declared carried, there being 6 votes for and 1 abstention.

It was resolved:

That the APPROVAL of planning application reference 13/00863/FUL be delegated to the Planning Manager, subject to the completion of a Section 106 Agreement preventing a mobile home from being sited on the land; submission of acceptable drainage details, and the conditions, as set out in the Officer's report.

8. **14/01423/FUL – LAND NORTH EAST OF 2 CROCKFORDS ROAD, NEWMARKET**

It was resolved:

That consideration of planning application reference 14/01423/FUL be DEFERRED until the meeting of Planning Committee on 30<sup>th</sup> June 2015.

9. **15/00179/FUL – 42 LODE WAY, HADDENHAM**

Jon Pavey-Smith, Planning Officer, presented a report (Q7) which sought consent for the construction of a new four bedroom residential dwelling for the manager of the coach depot.

The Committee was reminded that this was the revised version of an application (14/01027/OUT), the determination of which had been deferred at the Planning Committee meeting in November 2014. At that time the Committee had expressed support for the principle of a dwelling associated with the coach depot.

Illustrations were displayed at the meeting which included a map of the application site, an aerial photograph, illustratives of the proposal and its design, and two photographs relating to the issue of the impact on highway safety.

Members were reminded that the main considerations in determining the application were:

- The principle of development in the countryside;
- Impact on residential amenity;
- Impact on highway safety;
- Impact on the character of the area.

The site was located outside the settlement boundary for Haddenham and was therefore designated as being in the open countryside, where development was severely restricted and new houses required special justification. Policy Growth 2 of the Local Plan sets out the exceptions allowed; however the application was not accompanied by a statement of justification for a special rural need and the dwelling was not affordable. As such, the principle of development on this site was contrary to policy.

With regard to the applicant's case, although information had been submitted arguing that the proposal would support an existing local business and provide 24 hour security, this did not meet the criteria for a special circumstance. New housing in the countryside required special justification and was only likely to be acceptable where it met an essential rural need that could not be otherwise met.

Members noted that a comparison had been made to another application, which sought outline consent for a new dwelling at Greys of Ely. The application had been recommended for refusal by Officers and was overturned at Committee. A further comparison was made with an application at Hod Hall Lane in Haddenham, which was less than a mile from the application site. This was refused permission at Committee but later approved at Appeal, the Planning Inspector viewing the site as being sustainable.

The Planning Officer stated that in terms of impact on residential amenity, the nearest dwelling was within the applicant's ownership. Although there would be an increase in noise from the comings and goings of new residents, this was not considered to give rise to significant adverse impact. Whilst there would be a change for the immediate neighbours from the development proposals, this would not have a significant impact and the proposal would therefore comply with Policy ENV2 of the East Cambridgeshire Local Plan 2015.

The design of the proposed dwelling was substantial but the plot size was large and could accommodate such a dwelling, and the design would be in keeping with the character of the dwellings in Haddenham. The plot size and footprint of the proposed dwelling accorded with the requirements set out in the Design Guide Supplementary Planning Document (SPD). The proposed siting, design and appearance of the double garages was acceptable and accorded with the Design Guide SPD. In addition, some soft landscaping could be introduced to the scheme to reduce the impact on the surrounding landscape.

Members noted that the proposal made provision for parking for two vehicles, together with adequate turning space and a manoeuvring area. This complied with highways standards and the County Highway Engineer raised no objections to the scheme. However, in terms of sustainability, the proposal constituted development in an unsustainable location, where there would be a reliance on private car use which was contrary to the strategic objectives of Policy Growth 2 of the Local Plan.

At the invitation of the Chairman, Pauline Wilson spoke on behalf of the Agent, who was unable to attend the meeting, and she made the following comments:

- This application had been called in to Committee before the elections, and it followed on from an outline application which had not allowed enough space for a garden. The applicant had been advised to withdraw the application and submit a new one;
- Mr Young had lived in the village all his life. His father was elderly, and so he was now responsible for the business;
- The coaches were called into use when rail services were disrupted;
- Billy wanted to settle down and he therefore needed a home of his own, but he needed to be on site to keep the business going;
- The company employed 15 local staff;
- The District Council should be supporting this local business;
- A few months ago Greys Coaches had been granted planning permission under similar circumstances, and the Hod Hall Lane Appeal had been upheld;
- The Parish Council was supportive of this application.

At the invitation of the Chairman, Councillor Gareth Wilson spoke on behalf of Haddenham Parish Council and made the following remarks:

- The Parish Council had looked at the application and was keen to support local businesses;
- As a past Member of the District Council's Planning Committee, he knew that Members were usually keen to support businesses;
- Officers made their recommendations following very strict rules and Members took common sense decisions;
- In this instance, he hoped that the Committee would ignore the Officer's recommendation;
- The proposal was sustainable because Billy would be able to walk to work;
- He hoped that Members would approve the application and encourage the business to thrive;
- All three Ward members had emailed their support to the Parish Council.

Councillor Chaplin asked if the user of the dwelling could be restricted, and the Planning Officer advised him that a condition could be imposed to restrict occupancy of the dwelling in connection with the business, as had been done with the Greys application.

Councillor Bovingdon enquired whether the dwelling could be placed within the curtilage of the brownfield site. The Planning Officer replied that this was not possible because the space was too small; the Chairman added that in the original application amenity space had not been taken into account.

In response to a question from Councillor Hunt, the Planning Officer said that there had been three reasons to refuse the previous application, the third being that the area was too small.

Councillor Bovingdon also asked what form the soft landscaping would take; he was informed that there would be tree planting and the hedgerow would be retained.

Councillor Hunt said he remembered the previous application from the Committee meeting in November 2014, and this one before Members today was of a better quality. He supported the comments made by Pauline and Gareth Wilson, and said he was minded to go against the Officer's recommendation for refusal.

Councillor Chaplin was not sure what was exceptional about this application as he believed that many of the comments put forward were true of family businesses. He wondered if the development could be within the curtilage of the existing coach yard, if the scheme was so essential. Whilst



having sympathy, he said he could not support the Officer's recommendation for refusal being overturned.

Councillor Hunt responded by saying that this was a local business with strong support, and he thought that Members should support the application and the community.

Councillor Cox stated that he had some concerns. If the dwelling was constructed within the curtilage of the coach yard, was this the sort of environment one would want for a young family. However, in terms of visibility and impact, the house would be advantageous because it would shield part of the business from view when coming from the south. On balance he was minded to overturn the Officer's recommendation.

Councillor Chaplin asked that if the Committee was minded to overturn the Officer's recommendation, a condition regarding user consent be applied to the permission.

It was duly proposed by Councillor Hunt and seconded by Councillor Edwards that the recommendation for refusal be rejected, and the application be granted planning permission. When put to the vote, the motion was declared carried, there being 7 votes for and 1 vote against. Whereupon,

It was resolved:

That planning application reference 15/00179/FUL be APPROVED for the following reasons:

- 1) It is only one unit;
- 2) It is important to the local economy;
- 3) There is significant local support, including the Ward Councillors and the Parish Council;
- 4) It is a well designed aggregation, not out of keeping with the local area;
- 5) It is not in the open countryside, and is sustainable;

and subject to the imposition of conditions regarding landscaping, and a restriction on occupancy.

10. **15/00216/FUL – HURST CROFT, 32 MARKET STREET, FORDHAM**

Julie Barrow, Planning Officer, presented a report (Q8) which sought consent for the construction of two dwellings within the rear garden of 32 Market Street, Fordham, and the construction of a new vehicular access to serve the host dwelling and the new dwellings.

The site was to be separated from the rear garden to be retained by the host dwelling by a 2 metre high close boarded fence. The applicant proposed to construct a 2 metre high brick wall forward of the host dwelling along the line of the new access together with a set of gates to demark the area to be retained at the front of the host dwelling for turning and parking.

It was noted that during the course of the application an amended site layout plan had been submitted by the applicant with the straight length of the new driveway which passes along the boundary with 34 Market Street being sited 1 metre further away.

On a point of housekeeping, Members were asked to note the comments in an email (tabled for information) received after the publication of the agenda.

Illustrations were displayed at the meeting which included a map of the application site, an aerial photograph, illustratives of the site layout and its design, and photographs regarding visual and residential amenity, and ecology.

Members were reminded that the main considerations in determining the application were:

- Visual amenity;
- Residential amenity;
- Highway safety, and
- Biodiversity and ecology.

Referring to the issue of visual amenity, the Planning Officer reminded the Committee that Policy ENV2 of the Local Plan stated that development proposals should make efficient use of land while respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area. The East Cambridgeshire Design Guide SPD stated that backland development would only be acceptable if supported by a contextual analysis of the locality, there was sufficient space to allow for an access road to the rear and adequate protection against noise and disturbance for the host dwelling. In addition, consideration would be given to the inclusion of adjacent land to avoid piecemeal development.

The fact that there might be space within the curtilage was not in itself sufficient justification for this type of development and there was no presumption that large houses in extensive curtilages should be able to subdivide the garden ground into smaller plots. However, the applicant had demonstrated that there was sufficient space to allow for an access road to the rear and the proposal had been designed in such a way to protect against noise and disturbance to the occupiers of the host dwelling. The proposed dwellings appeared well proportioned and the layout, scale, form and massing of the scheme was considered to relate well to the surrounding area in accordance with Policy ENV2 of the Local Plan.

With regard to residential amenity, it was noted that the proposal involved the retention of a garden to the rear of the host dwelling, with a depth of approximately 30 metres. This was considered to provide ample amenity space, and coupled with the garden areas to the front and side, a sense of space would be retained around the host dwelling, minimising the

impact of the loss of a section of the rear garden. The side elevation of Plot 1 did not feature any windows and the applicant proposed to construct a 2 metre close boarded fence on the rear boundary of the garden. It was also proposed to have a 2 metre brick wall to screen the front garden and parking area from the newly created access, and a 2 metre fence along the straight length of the newly created driveway leading to the plots. The applicant proposed to finish the shared driveway in block paviours, which would limit the noise from vehicles travelling along the length of the access. The proposed scheme was not considered to have a significantly detrimental impact on the residential amenity of the occupiers of either the host dwelling or the proposed dwellings.

It was noted that the proposed dwellings were positioned at a sufficient distance from the boundaries with No 34 and 30 Market Street so as not to appear overbearing or cause any significant loss of light or overshadowing. While there would be some noise and disturbance during construction, this would be temporary and the permitted hours of construction and delivery times could be secured by conditions. On balance it was considered that the proposal would not have such a significantly detrimental impact on the residential amenity of the occupiers of the host dwelling, the neighbouring dwellings and the future occupiers of the host dwelling as to warrant refusal of planning permission.

In terms of highway safety, the Planning Officer stated that there were no objections from the Local Highway Authority. The existing access would be restricted to pedestrians only and the creation of a new access would be an improvement to the character and appearance of Market Street. The new access would be of a sufficient width and there would be parking in accordance with adopted standards. The applicant would require consent to move the position of two speed cushions and a fire hydrant sign.

There were a number of mature trees on or near to the site but they were not subject to a Tree Preservation Order. The mature fruit trees would be removed and protection measures would be put in place for those to be retained. The applicant had agreed to implement a scheme of planting to mitigate the loss of the fruit trees, and had also indicated a willingness to retain the existing hedges on the boundaries of the site.

The Committee noted that concerns had been raised that the approval of this application would set a precedent for further development in this area. The Planning Officer reiterated that future applications would be assessed on merit and would not be approved if there were material planning considerations that weighed against the proposal.

Policy ENV2 of the Local Plan stated that development proposals should comply with the RECAP Waste Management Design Guide SPD. This recommended that residents should not have to move waste more than 30 metres to any designated storage area within the boundaries of a property, and that any designated storage area within those boundaries

should not be more than 25 metres from a collection point. Residents were expected to take their waste containers to the collection point.

In East Cambridgeshire the collection point was the edge of the public highway, which in this case was approximately 90 metres from the bin store for Plot 2. The scheme could therefore not comply with the RECAP Guide due to the length of the private access. However, the applicant proposed to provide a refuse collection point adjacent to the entrance road on the back edge of the footway at the highway boundary to Market Street. This would allow the waste operatives to make collections without having to enter onto the private access road. The area would be well paved and well screened and the bins would be located away from the habitable areas whilst awaiting collection. It was therefore considered that the proposed arrangements were the optimum solution available and that it would be unreasonable to refuse the application solely on the grounds that it did not strictly accord with the RECAP Guide.

The existence of a 5 year housing supply did not prevent additional windfall sites coming forward, and the addition of two dwellings to the local housing stock carried some weight in the planning balance. Although the proposal constituted a form of backland development and a reduction in size of the curtilage of the host dwelling, the proposed dwellings had been designed to complement the host dwelling and surrounding area. The layout would ensure that there was no significant detrimental impact on the residential amenity of neighbouring and future occupiers. On balance the application was recommended for approval, subject to appropriate planning conditions.

At the invitation of the Chairman, Amy Richardson, representing the owners of 30 and 34 Market Street, Fordham, spoke in objection to the proposal and made the following points:

- They were disappointed that the application was recommended for approval, as they believed it would harm their residential amenity;
- No 34 had an annexe which was occupied by dependents and this proposal would impact on the two properties;
- The new entrance was very close to the lounge windows. This would result in great disturbance;
- The access was of concern and the site layout was inaccurate;
- The lounge and bedroom windows were near the shared driveway with No 34, and this proposal would disrupt their residential amenity;
- The block paving would be very noisy;
- On the revised plan the access was only 3.6 metres away; this could result in a bottleneck;
- There were concerns that the parking and turning of vehicles would cause noise and disturbance. At night and during the winter there would be disturbance from vehicles' headlights;
- With two 4 bedroom houses, there would be overlooking;

- The “catslide” window would give clear views into No 30, and the occupiers of No 30 would be faced with looking at large expanses of roof;
- The scheme was of a contrived design and would have an overbearing impact;
- The proposal was wholly unacceptable because of the overlooking and traffic movements, and it would cause noise and disturbance.

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

- There had been a lengthy pre-application process, during which important considerations had been discussed;
- No 32 was a unique property, having a large garden within the settlement framework, close to the existing access;
- The new access serving the proposal would be an improvement;
- The new driveway would have pavements so that it was a quiet surface;
- The parking and turning areas complied with regulations;
- From the viewpoint of visual amenity, the dwellings were designed in an asymmetrical form and the cart lodges were of a simple design;
- Some of the trees would be retained and the hedges would be retained to preserve the character of the area. A planting scheme would be agreed;
- The host dwelling had a large rear garden, there was no overlooking towards No 30, and there were no windows to the side elevations of No 32;
- The kitchen and utility room of his client’s house would be screened by the wall and fencing;
- He was aware that Councillor Schumann had concerns regarding a precedent being set, but he did not think this scheme would set a precedent for elsewhere.

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

Referring to the pre-application advice, the Chairman asked if it had been given for two dwellings in the garden; Mr Anderson replied that two had been thought an appropriate number.

Councillor Chaplin, noting that Mr Anderson’s client would have a new wall, asked if the same thing might be appropriate for No 34. Mr Anderson said that the first part of the access would have trees and planting in that area, but that a wall could be considered.

The Chairman observed that the Officer's report spoke of the character of the area to the south of the site in terms of density, but made little mention of the area to the north. The Planning Officer stated that the density was less to the north, and this area of the street was of a mixed character.

Councillor Chaplin expressed his support for the proposal but said he had been struck by the treatments on two sides. He suggested that No 34 should have the benefit of the same treatment. The Chairman responded, saying that it would be unreasonable to condition a wall. On the site visit it felt much more like open countryside, and he shared the concerns regarding residential amenity as a bulky building would be significant. In Market Street, to the north and on the opposite side of the road, it was a natural open space. The comments of the Parish Council and their lack of support should be taken into account.

Councillor Hunt said he had always taken on board the views of the local Member, but in this case he was torn because the proposal was not outside the development envelope. He had listened to the debate regarding amenity and overlooking, and whilst he was not against the principle of some form of development, he wondered if two 2 storey units were appropriate.

Councillor Bovingdon disagreed that the proposal was in open countryside saying it was in a garden and he would be more comfortable with just one dwelling.

Councillor Cox remarked that he had concerns regarding the boundaries of No 34 and down the side of the driveway. Whether there was one house or two, the house to the south of No 30 would experience some loss of view and a larger house would have the same interference of view. He did not think there was much wrong with the proposal, apart from the fencing, but he was not unhappy about it.

In the light of Members' comments, the Chairman proposed that the Committee should go against the Officer's recommendation for approval and refuse planning permission.

The motion was seconded by Councillor Austen, and when put to the vote, was declared carried, there being 4 votes for, 1 against, and 3 abstentions. Whereupon,

It was resolved:

That planning application reference 15/00216/FUL be REFUSED for the following reasons:

- 1) The bulky nature of the design and the impact on residential amenity;
- 2) The traffic impact on the residential amenity of 34 Market Street;
- 3) It is contrary to policy regarding waste collection; and

4) The density is far too high for that specific area.

11. **15/00323/OUT – LAND ADJACENT 14 BACK LANE, WICKEN**

Julie Barrow, Planning Officer, presented a report (Q9), which sought outline planning permission for one residential dwelling and associated infrastructure in the form of an access off Back Lane. The application was seeking approval of the access with appearance, landscaping, layout and scale to be reserved.

Illustrations were displayed at the meeting which included a map of the application site, an aerial photograph, a proposal plan and indicative of the layout.

The Planning Officer reminded Members that Section 38(6) of the Planning and Compulsory Purchase Act requires that decisions on planning applications are made in accordance with the Development Plan, unless material considerations indicate otherwise.

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

- Principle of development;
- Visual amenity and the impact of the proposal on the historic environment;
- Ecology and biodiversity; and
- Highway safety.

It was noted that the site was located outside the development envelope where development was strictly controlled and restricted to a number of exceptions, as listed in Policy GROWTH2. The applicant had not demonstrated that the proposal met any of these exceptions, therefore it was contrary to the Local Plan.

Referring to the issue of visual amenity and the historic environment, the Planning Officer reminded Members that Back Lane was a narrow track providing access to a number of dwellings to the north and south of the track and the area had a semi-rural feel to it. Whilst the proposal represented encroachment into the countryside, it was felt that a sensitively designed dwelling of an appropriate scale would not cause demonstrable harm to the character and appearance of the area. The rear building line could be respected and the proposal would not materially harm the Conservation Area or the nearby listed buildings.

With regard to biodiversity and ecology, it was noted that there was a dilapidated shed located in the north eastern corner of the site, alongside which were two Ash trees. The plan submitted indicated that the shed was to

be demolished and one of the Ash trees was to be removed to accommodate the new access. The Council's Trees Officer had confirmed that the trees were not suitable for Tree Protection Order (TPO) status. It was therefore considered acceptable for one of the trees to be removed on the basis that provision would be made for new trees and native hedge planting.

The applicant had submitted a barn owl survey report, which stated that the shed was being used by a barn owl for roosting, but no nesting site was present. The loss of the shed could be mitigated by the installation of two A-frame barn owl boxes on mature trees near the site and it was recommended that demolition be carried out outside of the bird nesting season. These measures were considered to meet the requirements of Local Plan Policy ENV8.

Natural England had been consulted on the application due to the site being in close proximity of Wicken Fen, a Site of Special Scientific Interest. It was satisfied that the development would not damage or destroy the interest features for which the Wicken Fen SSSI had been notified.

In respect of highway safety, the Planning Officer stated that the Local Highway Authority was satisfied that the proposal would have no significant impact on the public highway and had no objection to the application. On the original plan submitted with the application, the applicant had shown a turning head that could be made up to adoptable standard and offered for adoption by the County Council. The Council's Waste Team did not consider the turning head to be necessary for waste collection and the Local Highway Authority did not think it in the public interest to adopt the turning head. It would therefore remain the responsibility of the landowner.

The Committee noted that the site was within an area of archaeological potential. However, Cambridgeshire Archaeology had raised no objections to the application on the basis that a programme of archaeological investigation would be undertaken to work commencing. This could be secured by condition if the application was granted permission.

The occupiers of No 14 and No 15 Back Lane had raised concerns regarding the potential impact of the development on their residential amenity. Whilst there would be some impact, the loss of a view was not a material planning consideration and it was considered that a development could be achieved without causing a significantly detrimental impact on the residential amenity of nearby occupiers.

A contaminated land report had been submitted with the application and it was examined by the Council's Scientific Officer. The contents of the report were considered sufficient to confirm that there were no identified sources of contamination on the site.

At the invitation of the Chairman, Jamie Palmer addressed the Committee in place of the applicant's agent, who was unable to attend the meeting. Mr Palmer made the following points:



- The application was seeking approval of the access only at this point;
- The site could accommodate a dwelling and further details would come forward at the Reserved Matters stage;
- The existing agricultural building was to be removed and the replacement building would be sensitively designed;
- An additional dwelling would not cause demonstrable harm to the area;
- The Parish Council had been consulted and was supportive of the application;
- The site had been in the applicant's family for many generations and the family lived in the village;
- The applicant wanted to move within the village and this dwelling would be a family home;
- There would be no financial gain;
- The proposal would not materially harm the area and ecology could be mitigated.

Mr Palmer concluded by asking Members to take a common sense approach and grant permission.

Councillor Bovingdon asked the Planning Officer if, apart from Wicken 1 and 2, there was another site in Wicken for housing for local people. She replied that to her knowledge there was not. In response to a question from the Chairman, she also said that she was not aware of any windfall sites.

Councillor Hunt said that he had been undecided at the site visit. It was a very nice view, but he took the point that the family was part of the community. Having also taken into account the views of the Parish Council and those of Councillor Dan Schumann he was minded to go against the Officer's recommendation for refusal.

It was duly proposed by Councillor Hunt and seconded by Councillor Bovingdon that the Officer's recommendation for refusal be rejected and that the application be granted planning permission. When put to the vote, the motion was declared carried, there being 7 votes for and 1 against.

The Committee was reminded that this would be a departure from the Local Plan, and Andrew Phillips, Senior Planning Officer, added that because it was outside the development envelope, if Members wanted market housing it was less likely that exception sites would come forward. Councillor Bovingdon responded by reiterating that this house would be for a local person.

Mr Phillips commented that the dwelling could be sold on the open market and the Planning Manager stated that it was not appropriate to add a condition that the dwelling had to be for a local person. When making departures, they should be done through the Local plan

Councillor Chaplin made the point that, in the Local Plan, Parish Councils had said they did not want growth. The Chairman replied that he believed it was within the context of envisaging large scale developments rather than small developments.

It was resolved:

That planning application reference 15/00323/OUT be APPROVED for the following reasons:

- 1) There is a clear need, as expressed by the Parish Council;
- 2) It will provide a new home, and any harm will be extremely limited;
- 3) It has the support of the local community;
- 4) It is only one unit, which will have a less than significant impact; and
- 5) There will be little or no impact on residential amenity;

and that the imposition of conditions be delegated to the Planning Manager in consultation with the Chairman of Planning Committee.

The meeting closed at 3.47pm.