



East Cambridgeshire District Council

Minutes of a Meeting of the Planning Committee Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 2:00pm on Wednesday 6 December 2023

Present:

Cllr Christine Ambrose Smith
Cllr David Brown
Cllr Martin Goodearl
Cllr Lavinia Edwards
Cllr Bill Hunt
Cllr John Trapp
Cllr Gareth Wilson
Cllr James Lay

Officers:

Simon Ellis – Planning Manager
Kevin Drane -Trees Officer
Charlotte Elston – Planning Officer
Toni Hylton – Planning Team Leader
Richard Fitzjohn – Planning Contractor
Maggie Camp – Director Legal
Angela Tyrrell – Senior Legal Assistant
Jane Webb – Senior Democratic Services Officer

In attendance:

Zoe Mellors, (Objector, Agenda Item 6 / Minute 59)
Greg Saberton - Greg Saberton Design, (Applicant, Agenda Item 6 / Minute 59) Mr
Clark – (Applicant, Agenda Item 6 / Minute 59)
Cllr Richard Radcliffe (Isleham Parish Council Representative, Agenda Item
6/Minute 59)
Cllr Julia Huffer (Ward Council Representative Agenda Item 6 / Minute 59)
James Stone – Agent/ Carter Jonas (Representative Agenda Item 7 / Minute 60)
Cllr Liz Houghton (Wicken Parish Council Representative Agenda Item 7/Minute
60)
Cllr Lucius Vellacott (Soham Ward Representative Agenda Item 7/Minute 60)

Lucy Flintham – Development Services Office Team Leader
Melanie Wright – Communications Officer

Others in attendance:

Richard Tomkinson
Andy Clarke
Rachel James

Richard Lee
Selica Lee

54. Apologies and substitutions

Apologies for absence were received from Cllrs Chika Akinwale, Cllr Kathrin Holtzmann and Christine Whelan.

55. Declarations of interest

No declarations of interest were made.

56. Minutes

The Committee received the Minutes of the meeting held on 1 November 2023.

It was resolved unanimously:

That the Minutes of the Planning Committee meeting held on 1 November 2023 be confirmed as a correct record and be signed by the Chairman.

57. Chairman's announcements

The Chairman made the following announcement:

- A decision was due tomorrow (07.12.23) from the Government on the Sunnica solar farm.

58. TPO/E/09/23 – Confirmation of Tree Preservation Order – Land to Front of 11-13 Limes Close, Wilburton

Kevin Drane, Trees Officer, presented a report (Y104, previously circulated) recommending confirmation of a Tree Preservation Order at land to the front of 11-13 Limes Close, Wilburton.

Members were shown slides of the location, tree and of the proposed preservation order.

The main considerations for the application were:

- The opinion of the local residents who want the TPO confirmed.
- The objections to the TPO from the developer of the site.
- The amenity value of the tree, and the visual impact of its loss in the local landscape.

Support for the Tree Preservation Order (TPO)

- **Amenity** – The Oak tree is visible to neighbouring residents and makes a visual impact and contribution to the local landscape and provides a wildlife habitat. The tree was assessed for the TPO on its

amenity value (the only requirement needed in evaluating trees for the making of new TPO's).

- **Expediency** – The Oak tree is at threat of removal by the developer as stated in their objection letter. The tree is currently protected for another three years by a planning condition but after this time could be removed. The tree was assessed for a new TPO to protect the tree and prevent its removal following receipt of an email expressing a desire to see it removed.

Objections to the confirmation of a TPO.

- The developer's objections to the TPO being confirmed included:
 - Deadwood present in the crown.
 - Limited ecological and environmental benefits.
 - Low branches allow the tree to be climbed by children.
 - The proximity of the crown to the new buildings.
 - A TPO will adversely affect the approved development and cause ongoing maintenance costs.
 - The tree is limiting the site layout, land use and the internal layouts of the dwelling on the approved development site.

The Trees Officer requested that Members consider and weigh up the local residents' support for the TPO and the owner's objections to the TPO. The Trees Officer was of the opinion that:

- The amount of deadwood was of little concern in the longer term.
- Over 2,300 species were associated with this type of native Oak, making it ecologically important.
- Tree climbing could be managed through supervision or prohibited by the provision of a sign.
- The tree's branches were in excess of 2.5m from the nearest dwelling and could be managed by minor pruning.
- The development was designed around the retention of the tree from the start of the planning process.
- The TPO should not affect the development's layout and design as this had been approved with the tree in place.
- The unit's layout was approved and designed around the retention of the tree.

The TPO would require the owners to apply for the Council's permission to work on the tree and agree appropriate and reasonable tree work specifications.

The Tree Preservation Officer confirmed that the applicant would not have the right to object against the approval of a TPO, but they would be entitled to submit a tree work application to request the removal of the tree which if refused could then be appealed for assessment by the Planning Inspectorate.

Cllr Wilson commented that the tree was situated in an ideal location, clearly viewed from the road, and felt that it should be retained for the remainder of its lifetime.

Cllr Hunt proposed the Officer's recommendation for approval of the TPO. Cllr Lay seconded Cllr Hunt's proposal.

Cllr Ambrose-Smith stated that she had been initially concerned about the proximity of the tree to the houses and the cost of maintenance of the tree but had been assured that the foundations had been adequately built to withstand any issues and the maintenance costs of the tree would be the responsibility of a management company. She commented that the tree was an impressive sight on the approach to the estate and therefore she would be happy to support the TPO.

Cllr Trapp added that the development had been designed and built around the retention of the tree and therefore the tree should be kept as it added character to the estate.

The Chairman summed up the opinion of the Members stating that the tree had been present many years prior to the development, was grown on a public open space and therefore it was beholden upon the developer to ensure that the tree fitted in, and it would be inappropriate to modify/remove the tree after constructing the development.

It was resolved unanimously:

- That tree preservation order ref E/09/23 be APPROVED.

**59. 23/00305/FUL – 22 Mill Street, Isleham, Ely, Cambridgeshire
CB7 5RY**

Charlotte Elston, Planning Officer, presented a report (Y105, previously circulated) recommending the erection of a 3-bed chalet dwelling, outbuilding, and associated works, including the demolition of an existing garage and timber shed to allow access to the rear of the site, a re-arrangement of the existing parking for No. 20 and No. 22 Mill Street, and a suitable turning area for vehicles to leave the site in a forward gear.

Members were shown slides of the location of the application site and the proposed development.

The main considerations for the application were deemed to be:

- **Principle of development** – Policy GROWTH2 permits development within the policy defined development envelope, in which the application site lies, provided there was no significant adverse effect on the character and appearance of the area and that all other material planning considerations and relevant Local Plan policies were satisfied. The proposal was also considered to comply with Policy 1a

and 2 of the Isleham Neighbourhood Plan. Policy GROWTH5 also states that the Council would work more proactively with applicants to find solutions which meant that proposals could be approved wherever possible and to secure development that improves the economic, social, and environmental conditions in the area.

- **Residential amenity** – the outbuilding was 43m from the rear of No. 16 and 18 and by nature of its single storey, was not considered to cause harm through overshadowing, overbearing or loss of light and privacy, with a rear private amenity space in excess of 50msq. The garden to No. 18 would remain the same, with No. 22 having a shortened garden to accommodate the proposed parking arrangements; the new proposed rear amenity space for No. 22 was 98.9msq. The distance between the front first floor windows of the proposed dwelling and the existing first floor window of No. 22 is 30m which is significantly in excess of the requirements. The proposed dwelling is about 43m from the rear of a dwelling fronting Mill Street and therefore was not considered to be overbearing in nature.
- **Visual Amenity** – Both design and proposed materials were sympathetic to the character of the dwellings that front Mill Street, including No. 20 and 22 within the site. The approved replacement dwelling, annexe, and triple car port to the immediate west of the site has particularly modern features and materials which was approved by committee in August 2018. The proposed dwelling is a 3-bed chalet style home in a backland location which was in closer context to the neighbouring No. 26, which was a 5-bed house and link attached annexe with triple carport. The proposed dwelling was about 53m from the highway and therefore was considered that any visual impact on the proposed dwelling on the streetscape or visual and physical setting of the listed building at No. 18 was neutral and therefore the public benefits of the scheme did not need to be considered.
- **Historic Environment** – The site was within 50m of a Grade II listed building located within the Isleham Conservation Area. However, the intervening presence of No. 20 and No. 22 Mill Street to the rear of No. 18 limited any intervisibility, so the proposal was not considered to have any undue impact on the latter's setting.

Highways – The Local Highways authority confirmed, subject to ungated access in perpetuity, the proposals were considered to have no harm on highways safety.

Parking – The proposed parking was compliant with Policy COM8.

Biodiversity – The Biodiversity provisions included hibernation homes for hedgehogs and other wildlife, swift boxes under the eaves, a row of bee boxes, and a landscaping area which was to be seeded with native planting, including night scented plants that were beneficial to bats. This was considered to be acceptable considering the Natural Environment SPD Policy NE6.

Flood Risk and Drainage – The site was located in Flood Zone 1, where principle of development was acceptable. Soakaways were proposed and the Ely Group of Internal Drainage Board had no objections subject to this being effective.

It was considered that the proposal would not result in a significant adverse impact to the character and appearance of the area and was therefore considered to comply with Policies ENV1 and ENV2 and Policy 3 of the Isleham Neighbourhood Plan. It was also considered that the proposals were acceptable in line with Policies ENV1 and Policies 1a, 2 and 3 of the Isleham Neighbourhood Plan and would not cause a significantly detrimental effect on the residential amenity of nearby occupiers.

The proposal was considered to be acceptable in all other aspect including impacts of the proposal upon the character and appearance of the area, neighbouring occupiers, residential amenity, and highways safety. The proposal complied with all other relevant Local Plan Policies and of the Isleham Neighbourhood Plan. It was therefore considered that no demonstrable harm would arise from the proposed development. The application was therefore recommended for approval.

On the invitation of the Chairman, Zoe Mellors, Objector, addressed the committee, stating:

“Thank you for the opportunity to speak. I would firstly like to point out an important error in entry 7.2.7 of the agenda, which states the positioning of the proposed dwelling is set back from the existing dwellings on this site and is located approximately 23.5m west of the garden of No. 16. It is 3m south and not 23.5m west, otherwise I would not be objecting. In April 2022 the Isleham Neighbourhood Plan Referendum produced a landslide of 92% in favour of the Plan and it was adopted by East Cambridgeshire in May 2022. It states that infill should be seen as subordinate to existing dwellings on the original plot. New dwellings may have the same overall number of storeys as the existing dwelling but occupy a smaller footprint and should read as subordinate. This proposed development does not comply with this, it occupies a much greater footprint and is not subordinate, the footprint is 55% larger than the existing at No. 22 and is taller than No. 22 when according to the Local Plan it should be no bigger or no higher than existing on the plot. This proposal therefore fails to meet the Local adopted Plan on size, footprint, and height and as this is, to our knowledge, the first infill application after the adoption of the Local Plan, we would like to think that the Local Council’s time and money developing the Neighbourhood Plan and holding a referendum, would not be ignored at the first opportunity and that the local community’s view is respected. On other points, we are the only house objecting because we are the only ones impacted by this proposal, as the applicant owns three properties at 18, 20 and 22 Mill Street and his relative owns No. 26, the lack of objections should be read bearing this in mind. Planning Officers make comparisons with the scale of No. 26, which was granted planning permission in 2018, but this was before the Referendum and is not part of the original plot we are discussing. We didn’t know about any intentions to build until after No. 18 was bought by the applicant, when the plan had already been drawn up and was about to be submitted, there was no dialogue with us. When we bought our cottage in March 2015, my partner and I did so because the large garden was not overshadowed at the end, and we would have the potential to be as self-sufficient as possible

growing fruit and vegetables. To put that in context, the first 17m of our garden are in shadow from October until the end of March, by the applicant's existing two houses, so that area is unsuitable for growing food for six months; so, we use the last 26m of our garden to supply fruit and vegetables that we eat fresh or preserve to enjoy throughout the year. The previous owners also used this garden area for producing food and rearing chickens. So, the scale and positioning of the proposed house and outbuilding would have an overbearing impact on this area of our garden. With a ridge height of 7m, that is nearly four times the 1.8m dividing fence, with the dormer window at 6m and a side of 8.6m along the fence, this would give approximately 50sqm of bulky render 3m from our vegetable area and on our southern side, so no sunshine and with a 4m high outbuilding at the west of our garden, we would feel incredibly boxed in by the sheer scale of the bulky nature of the proposal. I cannot stress enough that this application will cause a devastating loss of sunlight casting huge, long shadows at crucial times over our fruit, trees, and vegetable garden. It is not right that our ability to grow food should be impacted, it would be a severe loss of amenity to us and the environment, plus the financial impact of having to buy more food. Details of the overshadowing using google earth and a shadow calculator were supplied with our objection letter, we did ask the application for a sunlight appraisal, but it wasn't done. We are happy for the area to be developed giving the applicant the opportunity to build a new home, but at a size and scale that works with the adopted Local Plan, such as making it smaller than the existing, moving it further down the plot and using a hipped roof that doesn't affect the amenity of the surrounding land. I would also like to point out, that if this plan gets approval, all of No. 20's garden would be consumed by this application, it will never have a garden in the future as it will be built upon. I kindly ask that you please respect the democracy of the Isleham voters and reject this proposal."

Zoe Mellors confirmed to Cllr Trapp that the proposed dwelling would be 3m from her boundary fence and it would have helped if the proposed dwelling had been 'cantered over sideways' into the corner of the plot.

On the invitation of the Chairman, Greg Saberton, on behalf of the applicant, from Greg Saberton Design, addressed the committee, stating:

"We were approached last year by my clients Mr and Mrs Clarke to apply for an attached dwelling on their existing parcel of land. Mr Clarke has lived in the village all of his life and would love to continue to do so. This is a very confusing site, as you may have seen on your site visit earlier today, so I will try and explain as best as I can the current situation. Mr Clarke purchased No. 20 when he was single, over 20 years ago; when he met his future bride and they got married, they purchased No. 22, which is the adjoining property, and have lived there for a further 14 years. They managed to retain No. 20 and that is currently rented out. After my initial site visit to meet Mr and Mrs Clarke, No. 18, which is the dwelling fronting the main road, came up for sale and they managed to remortgage to purchase this property as well. This meant that they were now in a strong position solely owning the access and the very large rear garden to the rear, which would enable them to look into

the possibility of building their dream home. My client's sister has recently built to the left of my client's proposal which is a very large, detached dwelling with an adjoining annexe built for Mrs Clarke, Mr Clarke's Mum, to move into later in life, surrounded by her family. The original application was requested to be withdrawn by the original Planning Officer because of the confusion of the site parking and also because of the size of the dwelling we were proposing with a garage at the front. We have now produced a new improved design which is a lot smaller than the original proposal in height and width to overcome the original issues, together with removing the garage at the front. My client, for once, did not want a massive four bedroomed two storey property, they requested a country-style cottage to suit the surrounding area and only required three bedrooms. We have now set the dwelling a further 3m away from both side boundaries to try and eliminate objections from neighbours at No. 16. We also removed the garage that was proposed to try and please the neighbours and have proposed a small storage building in the rear garden instead. In addition to this, we have also set the proposed dwelling a further 5m or 15 feet back to please the neighbours. The distance now that the dwelling has been set further back, is over 48m or 157 feet away from the rear of No. 16, so overlooking would not be an issue. No. 16 also mentioned in the application process that their garden would feel boxed in, even though their hedge at the time was over 5m high. Since these comments have been posted online the existing hedge has been reduced to 2m in height, with additional foliage even cleared in places near where Mr and Mrs Clarke are proposing their outbuilding. My client's solicitor has confirmed No. 16 has an 8-foot historic right of way over my client's access road and this does allow for them to drive on and off site but not to park or block the access to any other vehicles at any other time. We have also maintained the clear passage across the garden of No. 22 to allow No. 16 to walk across to their garden should they need to. I highlighted the issues with the existing parking arrangements with Mr and Mrs Clarke on our initial site visit. No. 20 had two tandem parking spaces on the left-hand side and were forced to reverse out onto the main road, because of the tandem parking, the actual driveway was very narrow for the other properties to drive past. Now that my client owns the access and the properties, as part of his design, we were able to give two parking spaces to No. 20, No. 22 and the proposed dwelling and have plenty of space to turn on site and to leave out onto the main road in forward gear, which would be much safer. This has also been confirmed as an improvement and approved by County Council Highways Department. On this resubmission we have also increased the garden space to the existing dwelling No. 22, which will have just under 100sqm, and this was requested by the original Planning Officer. The Parish Council made comment about the dwelling being too close to my client's sister, but we are now over 4m or 13-feet away from their blank wall. We have met the East Cambs Design Guide criteria for building a dwelling with a plot size well over 300sqm, ample turning and parking, ample distances for the prevention of overlooking and well over 50sqm of garden space required. Our proposal is also inside the development window envelope of the village and now has the backing of the original Planning Officer and the new Planning Officer on this case. Mr Clarke is here beside me today should you have any further questions."

In response to questions asked by Cllr Trapp, the applicant explained that solar panels were proposed to be added to the garage roof and it had not been considered to turn the house within the plot as this would result in the dwelling having no rear garden. Greg Saberton, the agent, added that the dwelling had already been set further across the plot as requested, he also confirmed that No. 20 did not currently have a garden and had never had a garden.

On the invitation of the Chairman, Cllr Richard Radcliffe, on behalf of the Isleham Parish Council, addressed the committee, stating:

“My Council’s objections to this infill scheme are set out clearly in your officer’s report, in that the proposed development is of a scale that is not in accordance with Policy 3, the character and design of the Isleham Neighbourhood Plan and the detailed guidance set out in Appendix 5, and it impacts on the residential amenity of neighbouring properties. Policy 3 of our Neighbourhood Plan states that development proposals must deliver high quality design through delivering a development that is appropriate for the site and not result in unacceptable impacts on the amenity of occupants of neighbouring or nearby properties. Detailed design guidance in Appendix 5 states that the infill should adopt a scale, density, and grain of the context of the area, be in proportion to its plots, scale and massing of each building should be, as a rule, no bigger or higher than existing building and no higher than surrounding buildings, distinguished backland development from the older linear village pattern. It should be seen as subordinate to the existing dwellings on the original plot. New dwellings may have the same overall number of storeys as the existing dwellings but occupy a smaller footprint and should read as subordinate. They should also set the key façade of the new building perpendicular to the main road and behind the existing dwelling is recommended. This development appears to be bigger than the existing buildings on the site, is not seemingly subordinate, nor is its key façade perpendicular to the road or to the existing dwelling. The applicant states that the proposed dwelling will not have any impact on the existing dwellings or the streetscene as it is set back at least 53m from the main road. However, the proposed dwelling will be clearly visible from Mill Street, is that an impact or is it not? Your officer’s report seems to conclude that because a much larger house was granted planning permission in 2018 then this smaller scale proposal is acceptable rather than considering its setting and impact on the properties within the site and to those to the north. Isleham Neighbourhood Plan was adopted with overwhelming support from 2022 to provide guidance for future development. This guidance was not available in 2018, when planning permission was granted for this large neighbouring dwelling. Our Neighbourhood Plan was developed in response to concerns that development was being undertaken with little or no local guidance or influence, it aims to help good development within our village to ensure that the demand for new housing is justified, carefully planned, and will have a positive impact on the village’s distinctive character and semi-rural environment. This is unfortunately not the case with this development, the proposal has unacceptable impacts and is contrary to Policy 3 of Isleham

Neighbourhood Plan and the detailed design guidance set out in Appendix 5 of the Plan; for these reasons, my Council recommends that this application should be refused.”

Cllr Radcliffe responded to questions from Cllr Trapp, stating that it was his belief that the Isleham Neighbourhood Plan should be given more weight and that the proposed dwelling would be larger than Nos. 16, 18, and 20.

Cllr Lay asked if the adopted Neighbourhood Plan had been breached in any other parts of the village. Cllr Radcliffe explained that there had been various other developments within the village that had been approved since the adoption of the Neighbourhood Plan.

Cllr Wilson enquired as to the rationale behind the Neighbourhood Plan’s requirements that the proposed house should be smaller than No. 22. Cllr Radcliffe explained that Isleham had seen a lot of infill development of larger properties which seemed to dominate the landscape and were more dominant than the existing dwellings that they had been built in the back gardens of, which changed the streetscene and nature of the village.

In answer to a statement from the Chairman, Cllr Radcliffe stated that it was clear that the large neighbouring property was granted permission before the Neighbourhood Plan was adopted and this was a collective view of the Parish Council, not his personal view.

On the invitation of the Chairman, Cllr Julia Huffer, a representative on behalf of the Isleham Ward, addressed the committee, stating:

“I called this application into this Committee because I feel the concerns of the Parish Council and the neighbouring properties need to be heard by a wider audience and while the concerns of the Highways Authority were finally mollified, the issue that concerns both the Parish Council and the neighbouring property have not been addressed. They feel, as I do, that this development is overbearing and dominant to its immediate neighbours, the total loss of any garden to No. 20 is unacceptable. The Parish Council spent months putting together their Neighbourhood Plan and the residents voted overwhelmingly to adopt it. This infill property is clearly in breach of the infill policy of the Neighbourhood Plan and in contradiction of other policies with regard to character and streetscene and the impact on the listed building at No. 18 Mill Street. The Applicant’s agent spoke about the family owning the properties and building for their mother, can I remind the Committee, that planning permission is not granted to a person or a family but to the plot. This development and all the other properties owned by the applicant could be sold at any time to anybody, so that argument does not bear any weight. I would ask this Committee to refuse this application and support the Isleham Neighbourhood Plan that they spent so many hours and so much of people’s time putting together, that has been completely supported by the community. If we breach this today, what was the Neighbourhood Plan all about. We have to support the Isleham Neighbourhood Plan and the opinion is that this breaches the Isleham Neighbourhood Plan on at least three counts.”

Cllr Huffer reiterated that the three counts were character, streetscene and that the dwelling would dominate the other properties. No weight could be given to the large property at No. 26, as this was built prior to the Isleham Neighbourhood Plan.

The Planning Officer confirmed the following:

- No. 20 did not ever have a garden therefore there was no change in the private amenity space.
- The dwelling was in proportion to its surroundings.
- The dwelling was smaller than No. 26, was subservient to the site and sat well in its context.
- No objections had been received from statutory consultees.
- The Conservation Officer was happy there was no impact on the conservation area and was neutral harm to the existing building.

The Planning Officer responded to questions from Members as follows:

- Confirmed that plans for a garage had been originally submitted but the resubmission was now for parking spaces.
- The owner would not be able to build a garage to the front of the house as permitted development rights only existed to the rear of the property, which would mean outbuildings to the rear could be erected.
- The height of the dwelling at No. 22 was slightly higher at the rear than the dwelling to the front. No. 18 was approximately 8.59m at the front and 9.58m at the back with a slight incline of under 1m.
- Planning Officers did apply significant weight to the Neighbourhood Plan and had worked through the Policy and were of the opinion that the application met the necessary criteria.
- A wheeled bin would have to be taken between 20/30m to a public road, which was within the acceptable limit of 30m.

Cllr Lay commented that the District Council were often criticised by Parish Councils, as the Parish Councils spent time working on adopting a Neighbourhood Plan and believed that the District Council did not take enough notice of the elected people wishes. Therefore, it was on these grounds that he would not be able to support the application.

Cllr Ambrose-Smith stated she had a contrary view, she valued the professional opinion of the Planning Officer, believed it complied with the Local Plan and that the applicant had taken time to find a suitable resubmission that was acceptable to the Planners, therefore she would agree with the recommendation of the Planning Officers.

Cllr Trapp commented that the plot was not adequate for the proposed dwelling as it was overbearing at 7m high.

Cllr Lay proposed not accepting the Officer's recommendation and refusing the application. Cllr Trapp seconded Cllr Lay's proposal.

Cllr Wilson also was minded to refuse the application as he fully understood the Parish Council's desire for smaller houses for infill spaces and that the proposed dwelling was too big for the site.

Cllr Goodearl pointed out that the house next door was built before the Neighbourhood Plan was adopted, but the proposed dwelling would come within the Neighbourhood Plan.

Cllr Trapp explained this decision hinged on the Neighbourhood Plan; the Parish Council's interpretation that large buildings should be restricted, and smaller properties built.

Cllr Ambrose-Smith asked for the sizes of the properties, these were given as follows:

- Proposed plot 12.5 x 8.5 m
- No. 22 8.5 x 7m
- No. 18 10m x 7m
- No. 16 10m x 7.5m

The Chairman added that it was important for Members to take into account the Neighbourhood Plan.

It was resolved (with 7 votes in favour, 1 vote against and 0 abstentions):

- i. That the planning application ref 23/00305/FUL be REFUSED. In the opinion of the Local Planning Authority, the proposed new dwelling by reason of its excessive scale and height in relation to the dwellings along the frontage of Mill Street would harm the character and appearance of the locality. The proposal therefore fails to comply with Appendix 5 'Detailed Design Guidance' of the Isleham Neighbourhood Plan (Made May 2022) relating to In-Fill development, which states that new infill development should be no higher than frontage development.

60. 23/00894/FUL – Land North West of 9 Stretham Road, Wicken

Richard Fitzjohn, Planning Contractor, presented a report (Y107, previously circulated) recommending approval subject to conditions of an application seeking the erection of a dwelling and associated change of use of agricultural land to amenity land.

Site photos and illustrations of the proposed development were shown to Members.

The main considerations for the application were deemed to be:

- **Principle of development** – the site was situated outside of the development framework and the proposal conflicted with GROWTH 2

of the Local Plan. The site comprised partly brownfield storage land and partly residential land and was visually read as part of the village rather than the countryside; it had a detrimental impact on the character and appearance of the countryside. The Proposal would not introduce residential development in an open countryside location and would provide visual amenity enhancements. Sustainability located close to the development framework would be served by a new footway. Although the proposal conflicted with Policy GROWTH 2, the sustainable location of the site, the re-use of brownfield land and use of residential land, and the visual amenity enhancements to the site were all material planning considerations which indicated a departure from Policy GROWTH 2 would be justified in this specific case. The proposal would result in a loss of the existing B8 storage use. The site was marketed to the open market continuously for 12 months from July 2020. Two offers were received: one for £30,000 below asking price and one for £20,000 below asking price. No offers were accepted. The application states several agents were approached to see if further, more recent, marketing would be beneficial to the proposal, however, general consensus was there would be little point. The application site has been in separated ownership to No. 9 Stretham Road and has not provided employment for over six years. The B8 storage use is restricted by a planning condition to the occupiers of No. 9 Stretham Road. This restricts employment provision and make the site unviable for businesses to purchase it for commercial purposes at present. Proposal accords with Policy EMP 1 of the Local Plan.

- **Character, Appearance of the Area** – the site is located in a visually sensitive, prominent location. Existing character and appearance of the site contributes negatively to the rural character and appearance of the countryside. More sensitive boundary treatments and higher quality landscaping would provide a softer and more open frontage and boundaries to the site than that which currently exists. Reduction of hardstanding and removal of the storage building, storage containers and other stored items from the site would enhance the character and setting of the countryside. The proposed dwellings are of a high-quality design. Permitted Development rights could be removed for alterations to the proposed dwellings, outbuildings, hard surfaces, and fences, gates and walls, The proposal would enhance the visual amenity of the site and the character and appearance of the countryside, in accordance with policies ENV 1, ENV2, and HOU 2 of the Local Plan and guidance contained within the Design Guide SPD.
- **Residential amenity** – Due to the generous separation distances, the proposal would not result in any significant residential amenity impacts to nearby properties. The proposal demonstrates a high standard of residential amenity could be provided for future occupiers of the proposed dwellings.
- **Highway Safety and Parking Provision** – Existing vehicular access to the site to be removed. New vehicular access to be provided. Local Highway Authority – Proposed access is of a standard layout and is acceptable for a development of the scale and nature proposed.

Provision of a new footway could be secured by condition. Proposal would provide a safe and convenient access, in accordance with policy COM 7 of the Local Plan. Proposal includes 2 car parking spaces and at least 1 cycle space per dwelling, and sufficient space for visitor car parking in broad accordance with policy COM 8 of the Local Plan.

- **Biodiversity** – Ecological Impact Assessment demonstrates the proposal is unlikely to cause direct or indirect effects on nearby statutory and non-statutory designated sites and is unlikely to result in significant adverse effect as a result of increased recreational pressure on Wicken Fen Ramsar, SSSI and NNR or Fenland SAC. With the exception of a semi-mature tree which is to be retained and protected as part of the proposal, all onsite habitats are of negligible ecological importance. Proposal could achieve a significant Biodiversity Net Gain of +25.05% for habitat units and +236.63% for hedgerow habitats. Ecological Impact Assessment makes recommendations for a Construction Environmental Management Plan, Precautionary Working Method Statement for protected/priority species, and a Landscape Ecological Management Plan. These could be secured by condition. Proposal would conserve and enhance biodiversity in accordance with policy ENV 7 of the Local Plan and the Council's Natural Environment SPD.
- **Flood Risk and Drainage** – Located in Flood Zone 1, where the principle of development is acceptable in flood risk terms. Acceptable details of foul and surface water drainage measures could be secured by planning condition. Proposal has acceptable flood risk and drainage impacts, in accordance with Policy ENV 8 of the Local Plan.
- **Archaeology** – The site is located within an area of archaeological potential. Archaeological investigations and recording could be secured by condition. The proposal has acceptable archaeological impacts, in accordance with policy ENV 14 of the Local Plan.
- **Contamination** – Phase I contamination report recommends a Phase II Investigation is carried out. Scientific Officer – Accepts the findings of the report and recommends a condition requiring further contamination investigation and remediation where necessary. The proposal has acceptable contamination risks, in accordance with policy ENV 9 of the Local Plan.
- **Energy and Water Efficiency** – Proposal can achieve on-site CO₂ reduction of 85.7% beyond Building Regulations, through energy efficiency measures and the inclusion of renewable technologies. A detailed scheme of energy and water efficiency measures could be secured by condition. The proposal follows the zero-carbon hierarchy and would provide a reduced carbon development, in accordance with policy ENV 4 of the Local Plan and guidance contained within the Council's Climate Change SPD.
- **Planning Balance** – In accordance with Section 36(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Although the proposal conflicts with policy GROWTH 2 of the Local Plan, the sustainable location of the

site, the re-use of brownfield land and use of residential land, and the visual amenity enhancements to the site are all material planning considerations which indicate a departure from policy GROWTH 2 would be justified in this specific case. It is also considered that the proposal would provide a modest contribution in supporting the vitality of the rural community and the proposal is considered to be acceptable in all other respects.

On the invitation of the Chairman, James Stone, Agent, (Carter Jonas) addressed the committee, stating:

“We think that this scheme represents a good opportunity to develop an unattractive brownfield site which is on the edge of the village. The site has been vacant since 2016, it was previously commercial land. There has been an extensive marketing campaign to try and see if there any interested commercial parties, but none have come forward; the main reason due to it being so close to residential development. Therefore, our concern is that if the site is not redeveloped for residential, it will remain as vacant unattractive brownfield site, which it has for six and a half years so far. Another important point to raise, is the overriding aim of Policy GROWTH 2, as you are aware, the site is just outside the development envelope for Wicken but it is connected to the urban site of Wicken, in-between the site there is ‘Wicken 1’ which is an allocated site for 3 to 5 houses and another dwelling is under construction at the moment, then 9 Stretham Road and then it is totally linked to the village; it is not a floating site with any agricultural fields in-between. The Local Plan states that with regard to Wicken, that the purpose of the development envelope has been drawn to prevent sprawling into the countryside, which is a fairly common place thing for any local plan; this is attached to the environment and is brownfield commercial land. We had pre-application discussions with the Officers to discuss the best way of developing the site given that the current status-quo was not acceptable to a lot of people, and we responded directly to the LPA’s pre-application comments which was to reduce it from seven to four dwellings, originally seven were applied for at the pre-application stage. We reduced the two rear dwellings to three-bed bungalows, so they reduced the impact on the countryside and fitted in with the barn that is located at 9 Stretham Road and the two front dwellings were reduced to one and half storeys so that they fitted in with the streetscene. Other benefits to the scheme include that the site is within the walking distance of all the village’s facilities (pub, village hall and bus stops). We will be providing a significant biodiversity net gain of 25% for habitat units which exceeds the 10% coming in next month via central government and 236% for hedgerow units. On the ground, the biggest benefit is the landscaping improvements because of the fact of the existing boarded 1.8m fence at the front which will be removed and replaced with a hedge and a 1.2m post and rail fence to give it a rural feel. The boundary of the site will have a perimeter of a 3m ecology buffer plus a native hedgerow to give it a rural feel, plus the net gain benefits. There will also be three additional trees planted in the open space area which will be seen from the road. All houses will meet the National Space Standard, in addition they will meet the category N42 Accessible and Adaptable Dwellings Standards which will benefit both older residents and also anyone with limited mobility, as it gives the ability for adaptability above and beyond standard building control (category N41). There will be CIL Contributions towards local infrastructure and finally the small scale of the

scheme means that the site can be delivered very quickly and help to meet the Council's expected windfall delivery of around 50 dwellings.”

In response to a question from Cllr Trapp, the layout of plots/dwellings between the village and the proposed scheme were explained.

The Chairman asked when one of the adjacent plots had been given Planning permission, whether it was granted before or after the Council could demonstrate an adequate Five-Year Housing Land Supply.

A short break was taken from 3:35pm until 3:45pm

James Stone confirmed that the Planning permission on the house that was currently under construction was granted in July 2022.

The Planning Consultant confirmed that the Council had an adequate Five-Year Housing Land Supply at the time the permission was given to the plot in question, it was similar to this application in that the site was located outside of the framework, but it had been considered that the material considerations outweighed the conflict, and he read out the reasons given:

“An appeal decision in a neighbouring authority evidences a situation where a site was outside the defined development envelope and therefore an area of countryside, however the development sat amidst an area of modern housing. The Planning Inspector noted the surroundings of the site were subject to large housing developments, meaning the development would occupy a gap in the existing housing. As such, the Inspector determined that due to the surrounding context that the site had more of an infinity with the suburban form surrounding and did not result in an encroachment into the countryside. The appeal decision shared similarities to the site in Wicken as the site is enclosed by residential development. Furthermore, a recent appeal decision within East Cambridgeshire allowed a single dwelling outside the defined development envelope and of Policy GROWTH 2. Since defining the settlement boundaries, as per the 2015 Local Plan, the surrounding area to the appeal site has seen approvals for small residential developments. As such, the Planning Inspector advised that the development boundary no longer affected the current situation. The Inspector stated, that whilst contrary to Policy GROWTH 2, the change in the character of the area amounts to a material consideration that justifies a decision of variance to the development plan. For the current application, GROWTH 2 is considered up-to-date and as such the presumption in favour of sustainable development is not engaged. The proposal conflicts with GROWTH 2 due to the site's location outside the Local Plan development envelope and forms a departure from development. However, in accordance with Section 36(6) of the Planning and Compulsory Purchasing Act 2004, there are a number of material considerations which are afforded weight in consideration of the application. While the site is outside the Local Plan's defined development envelope, the surrounding area has evolved through permissions for residential developments since the development boundary was defined, meaning the site is now enclosed by residential development. In addition, the appeal decision within East Cambridgeshire notes the importance of considering changes to the character of an area and when defining a Local Plan boundary, it no longer

reflects the existing situation. The development of a single dwelling on this site would not encroach into the countryside nor would it significantly change the character of the area, as the site is enclosed by a residential development. Therefore, the development would protect the countryside and the setting of the village consistent with the framework. In review of all material planning considerations, the principle of one residential dwelling on the site is acceptable.”

Cllr Trapp asked if the agent had considered a scheme that consisted of a row of four cottages rather than a second row of two dwellings. James Stone explained that they had been guided by the Planning Officers and had originally submitted plans for seven dwellings but reduced it to four dwellings, he added that there was no Neighbourhood Plan in Wicken and no policy requirement regarding the size of dwellings.

On the invitation of the Chairman, Cllr Liz Houghton, representative of Wicken Parish Council, addressed the committee, stating:

“The decision referred to previously, was a decision delegated to a Planning Officer, it took us 9 months to get a report, to find out why it had been approved outside of the envelope and that was the reason given. It should have come to this Committee because it was outside GROWTH 2, it never did. Wicken Parish Council never had the chance to sit here and challenge it, it was a failure of process and I feel that to consider that as a mitigating circumstance is irrelevant.

I sit here again, trying to protect our village from East Cambs planners and developers who see Wicken as an opportunity to prove GROWTH 2 is not a requirement. Wicken Parish Council opposes this application as detailed within the Planning Officer’s report. This proposal is outside the defined GROWTH 2 development for Wicken; development envelopes are there to protect against sprawl and ensure the unique character of a community is maintained, they are not there to be repeatedly challenged. As you know, Wicken particularly suffered with speculative development when the Local Plan failed, and our housing stock has increased by 35% in five years as a consequence. Why is more being considered, let alone allowed. According to the recent review of the Local Plan, East Cambs does not need these houses to meet its housing supply, in fact, it has a reduced target. If this is allowed to go ahead, it will be held up as a precedent for every speculative application outside a development envelope in East Cambs. Last week I attended the Parish Planning Forum, where a slide was put up which stated, “Five Year Land Supply does protect areas outside the framework.” I asked the forum panel members whether this statement was correct, and they assured me it was. They also stated that the recent tweaks to the Local Plan help fend off speculative developments. As we sit here today, those statements are not true. This is what it states on page 343 of the Local Plan Section for Wicken 8.42, “A development envelope has been drawn around Wicken to define the built-up part of the village, where development, infill and allocation sites may be permitted. The purpose is to prevent sprawl into the surrounding countryside. Development of infill sites will need to be in line with Policy GROWTH 2.” It also goes on to say, “Outside the development envelope, housing will not normally be permitted unless there are exceptional circumstances, such as essential dwellings or rural workers or affordable housing.” Whilst it is acknowledged this is a brownfield site, we would expect exceptional design in a rural, open, prominent location such as this. This

design is not exceptional, the tandem layout of the dwellings is not in keeping with the vicinity, most development is linear. The site is at the entry point of the village from the west and would have a clear visual impact. These houses show limited design interest and are far more dense than other properties of this size nearby. Wicken has and continues to maintain the need for smaller sized dwellings. Some of you may remember that I sat here some eighteen months ago to challenge a development of six large dwellings at the other end of the village, along Church Road; we were very grateful to the Planning Committee in supporting our request for a mixed development, including two to three-bed houses. These have duly been built and it has been seen as a good example of a development we wish to see in Wicken, even the developer himself has acknowledged that the small units were the ones that sold quickly with the large ones taking some 12 months longer to sell. This supports our argument for the need for smaller dwellings in Wicken. We ask Councillors to strongly consider what principles are being applied here, as a Parish, we are fed up with mixed messages. In summary, this application is contrary to the Local Plan GROWTH 2 development envelope for Wicken. Wicken maintains its need for smaller 2-bed dwellings, East Cambs does not need these houses to meet its housing supply, none of these houses are affordable, nor for rural workers or of exceptional design therefore the development cannot be deemed to have material planning considerations.”

In response to a question from Cllr Ambrose-Smith, Cllr Houghton explained that Wicken was not unwelcoming to new families as it had already increased by 35%, and they welcomed young families, but both the local medical centres and schools were already at capacity with residents having to travel outside of the area to receive these services.

Cllr Goodearl asked what the Parish would like to see done with the site. Cllr Houghton stated that the Parish Council needed smaller units and therefore a row of four 2 or 3-bed houses would be preferable.

On the invitation of the Chairman, Cllr Lucius Vellacott, Ward representative, addressed the committee, stating:

“I look at these applications as a local councillor but firstly I look at them as a local young person and the current housing market is incredibly difficult, especially in East Cambridgeshire, with prices higher than average and what is worse, nobody seems to want to build smaller or affordable houses in rural villages like Wicken. The solution does lie here at Planning Committee, our Local Plan specifically requires smaller houses in Wicken within the development envelope and this application falls short in too many ways. So, I am here today to draw the Committee’s attention to an application it rejected in August 22/01229/FUL, Chapel Lane, Wicken, on the grounds that the proposed material considerations were insufficient to depart from Policy GROWTH 2. This proposal was outside the development envelope, just like this one, former decisions are material considerations so please bear this in mind. Another singular house outside the development envelope is not a justification, you can’t just change the streetscene whilst ignoring the development envelope and then go, well the streetscene has changed, so now we will put some more on because it is different; both of them contravene policy, the situation on the ground only changed because of the

contravened policy. The proposal's merits – the biodiversity improvements are incredible, and I commend it very much and it also does build on brownfield land which the National Planning Policy Framework indicates is relevant, however, I believe that is far from sufficient reasons to depart from policy. The proposal would contradict other policies which negate that consideration. This application shows a total lack of awareness about the village in which it is proposed to be built, it creates a new streetscene in the countryside, even if it is only slightly outside of the village and that is not permissible. I would also argue that the depth of the proposed area and the style of the housing layout contravenes ENV 1 of the Local Plan, even if the visual amenity of the brownfield land was improved. I would be more likely to support this application if smaller market houses or affordable houses were proposed on this site, as Wicken's regulations in the Local Plan actually call for, even though it would still be outside the development envelope, I would instead be sitting here saying I am not happy about the development envelope, but this is what we need. I do appreciate that there are under ten houses here, so HOU 1 does not apply, but it has no effect across the village. Wicken has had two marketed 2-bed houses in the last five years which is simply not enough. Wicken doesn't have any appropriate infrastructure to sustain any form of speculative development wherever it is located, and it is frankly disappointing that developers frequently contradict this requirement. East Cambridgeshire District Council has to maintain its precedent departed from GROWTH 2 is only permissible when the area in question can cope, I refer to the agent's comments, yes, it is close to a bus stop, for the one bus that stops a week, therefore I frankly feel the infrastructure has not been considered properly and Committee should apply weight to that. If the Committee were to approve this application, it would permit by precedent many further large houses on sites surrounding Wicken, the effect of this is to push young families out of this beautiful village and it secures no investment in the infrastructure or community. The pub has only just reopened and that was quite fortunate. The Committee has in the past, turned all such development down. Growth in East Cambs is obviously inevitable, but it must be strictly infrastructure first, it must be community led and more importantly it must be policy compliant because we fought hard for that policy and Wicken does not yet have a Neighbourhood Plan to supersede any of it. This application doesn't meet those three criteria, infrastructure first, community led and policy compliant, so I strongly recommend the Committee to refuse planning permission for land northwest of 9 Stretham Road, Wicken on the grounds of non-compliance of Policy Growth 2, with no material considerations sufficiently mitigating.”

Cllr Goodearl enquired if Cllr Vellacott would be willing to forgo the development envelope in favour of smaller developments. Cllr Vellacott responded stating that the site was not an attractive area therefore there was a need for something to be done with the site, he would not be comfortable 'forgetting' about the development envelope but, for young families wishing to stay in Wicken, a site on brownfield with smaller, affordable housing would be a sufficient mitigation.

The Planning Officer reiterated that there was no policy requirement for a specific housing mix on a development of this size, therefore, if Members were minded to refuse planning permission on the basis of the housing mix, Members needed to be mindful that there would be significant risk of costs against the Council if the applicant was to appeal that decision for a refusal reason on that basis.

Cllr Ambrose-Smith asked if this brownfield site would qualify as a rural exception site. The Planning Consultant stated that in terms of rural exception sites, it was the type of location that would be close enough to the village to normally be considered acceptable, but with a development of this size, a housing association would not be interested in taking on a site of only four houses.

Cllr Goodearl enquired as to how many of the original 7 dwellings had been 2-bed properties. The Planning Consultant stated that there had been no indication of bed sizes as the original submission was for pre-planning advice and not a formal application.

In response to questions from Cllr Trapp, the Planning Consultant stated that the Lead Local Flood authority was only a statutory consultee for major developments, which this was not, therefore, it was the responsibility of the local Planning authority to manage the impacts of drainage. He had highlighted in the Committee report that back-land development on sites in such locations would not normally be encouraged, however the material considerations of the planning application needed to be looked at as a whole, on an individual site basis.

The Chairman clarified that this would be the first house seen on the entry to the village from Stretham on that side of the road. The Planning Consultant confirmed that the change of use of the rear section of the site was from meadow to garden land and the front section of the site had permission for a storage use. The owners clarified that the land (with agricultural shop and barns) was purchased in 2013, since the 1960s it had operated as an agricultural shop and had precedent for storage linked to the house.

Cllr Wilson commented that the site was only part brownfield, was outside the village development envelope, which was against the policy and therefore the application should not be accepted. Cllr Wilson proposed not to accept the Officer's recommendation and refuse the application.

Cllr Ambrose-Smith expressed her support for the dwellings, as they were single storey properties and suitable for the less mobile.

Cllr Hunt commented that a linear development may have enjoyed a more favourable reaction from the Committee.

Cllr Brown highlighted that the development envelopes had been fought long and hard for and Members should only go against them in exceptional circumstances. He agreed that the brownfield land needed tidying up, but he could not support the application and seconded Cllr Wilson's proposal.

Cllr Trapp concurred with Cllr Brown stating that the village should be contained within the development boundary.

It was resolved (with 7 votes in favour, 1 vote against and 0 abstentions):

- i) That the planning application ref 23/00305/FUL be REFUSED. In the opinion of the Local Planning Authority the proposed development would harm the character and appearance of the countryside by virtue of its excessive depth, beyond the rear of the existing brownfield storage (B8 Use Class) area of the site, the proposed development would harm the character and appearance of the countryside, contrary to policy GROWTH 2 of the East Cambridgeshire District Local Plan 2015 (as amended 2023)".

61. Planning performance reports – October 2023

Simon Ellis, Planning Manager, presented a report (Y106, previously circulated) summarising the performance of the Planning Department in October 2023.

It was resolved unanimously:

That the Planning Performance Reports for October 2023 be noted.

The Planning Manager thanked Richard Fitzjohn for his work at East Cambs and wished him well in the future.

The Chair wished everyone a Happy Christmas and a Prosperous New Year and thanked both Officers and Members for their support.

The meeting concluded at 4:36pm

Chairman.....

Date.....

