



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee
held in the Council Chamber, The Grange,
Nutholt Lane, Ely on Monday, 24th September 2018
at 3.00pm

P R E S E N T

Councillor Joshua Schumann (Chairman)
Councillor Christine Ambrose Smith
Councillor Derrick Beckett
Councillor David Chaplin
Councillor Paul Cox
Councillor Lavinia Edwards
Councillor Bill Hunt
Councillor Mike Rouse
Councillor Stuart Smith

OFFICERS

Tim Driver – Planning Solicitor
Oli Haydon – Planning Officer
Chris Hancox – Planning Officer
Catherine Looper – Planning Officer
Janis Murfet – Democratic Services Officer
Andrew Phillips – Planning Team Leader
Rebecca Saunt – Planning Manager

ALSO IN ATTENDANCE

Councillor Anna Bailey (Agenda Item No. 9)
Councillor Julia Huffer (Agenda Item No's 10 & 12)
Approximately 28 members of the public

55. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Councillors Sue Austen and Mark Goldsack.

There were no substitutions.

56. DECLARATIONS OF INTEREST

Councillor Edwards declared an interest in Agenda Item No 6 (18/00531/FUL, Witcham Lodge, Headleys Lane, Witcham, CB6 2LH) saying that in the interests of openness, she wished it to be noted that one of the applicants was the Principal of the fee paying school which her granddaughter attended and for which she paid the fees. She stated that she had had no discussions with the applicants.

Councillor Hunt also declared a personal interest in Agenda Item No.6; he said he would not leave the Chamber, but he would take no part in the discussion or vote on the item.

Councillor Schumann declared a prejudicial interest in Agenda Item No. 4 (18/00309/FUL, Soham Village College, Sand Street, Soham, CB7 5AA), being a Director of the Academy Trust. He said he would vacate the Chair and leave the Chamber prior to discussion and voting on the application.

57. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Chris Hancox to his first meeting of the Planning Committee. Members noted that it was also Mr Hancox's last day at the Council and they wished him all the very best for the future.

At this point, Councillor Schumann left the Council Chamber and Councillor Rouse assumed the Chair for the next agenda item.

58. 18/00309/FUL – SOHAM VILLAGE COLLEGE, SAND STREET, SOHAM, CB7 5AA

Chris Hancox, Planning Officer, presented a report (reference T99, previously circulated) which sought consent for the erection of a 1.8 metre high profiled mesh galvanised green powder coated fence along the boundary of the playing field to the rear of Soham Village College.

Following comments from the Trees Officer, an Arboricultural Method Statement was submitted to support the application on 28th June 2018.

The site was a playing field, located outside the development envelope, adjacent to the rear and owned by Soham Village College. The field was mostly hidden from view of the public highway, but was visible from the public footpath that ran along most of its boundary.

The College had profiled mesh galvanised green powder coated fence already erected in other parts of their grounds. There were trees along part of the boundary of the site and those along the northern boundary were protected by a Tree Preservation Order.

It was noted that the application had been called in to Planning Committee by Councillor Mark Goldsack, as it was his opinion that that the application should be heard and discussed at Committee.

A number of illustrations were displayed at the meeting, including a map, an aerial image, the layout of the proposal and photographs of the protected trees and a section of the site boundary.

The main considerations in the determination of the application were:

- Fencing Is Permitted Development;
- Impact on Trees (TPOs);

- Impact on public footpath; and
- Visual & Residential Impact.

The principle of development, visual and residential amenity had already been established as acceptable because the works benefitted from consent under the Town & Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 2, Class A (gates, fences, walls etc). This permitted the erection of any gate, fence, wall or means of enclosure for a school up to 2 metres above ground level. As such, it would be unreasonable and not justifiable for the Council to refuse the proposal as it already had permission from Central Government.

Although a natural vegetation boundary would have been preferred (as per the Trees Officer's comments) it was considered that the proposal would not have a detrimental impact on residential amenity as the green colour of the profiled mesh fencing would help it assimilate into the surrounding rural landscape.

It was noted that following the submission of an Arboricultural Method Statement (AMS) by the applicant, the Trees Officer had no objection to the proposal as the works should not have a negative impact on the protected trees. However, he requested that the AMS be implemented by means of a planning condition.

The Planning Officer said that concerns had been raised that the fencing would restrict public access to the field and public footpath. He reiterated that the right of public access to the field was not a material planning consideration, but a civil matter as it was controlled by the school. The detailed fencing location plan submitted with the AMS showed that the fence would not impede the public footpath that followed along the edge of the school field boundary.

At the Chairman's request, the Planning Solicitor reminded Members that they had received a copy of a statement submitted by Dr Taylor in which she stated the reasons for wanting to erect the fence. The Legal Services Manager had stated that the document was to be treated as confidential because it related to matters of safeguarding. Therefore, if the Committee wished to discuss the contents, the meeting would have to go into closed session; the points raised in the statement were not to be discussed in the public forum.

At the invitation of the Chairman, Dr Carin Taylor, applicant, addressed the Committee and made the following points:

- It was with some reluctance that the decision to erect the fence had been taken;
- There were no material objections and the school had the right to erect the fence;
- There was no public right of way on the playing field;
- They did not want the footpath around the school to be impacted and wanted to ensure no impacts on the trees;

- The fence would be aesthetically pleasing and she thought it would meet all the planning requirements;
- Councillor Mark Goldsack had called the application in to Planning Committee;
- The decision to put up the fence had not been taken lightly and she knew it would be unpopular. However, many people in the community supported the proposal;
- The children, staff and parents all wanted a safe place;
- She had submitted her statement to the Committee Members in confidence, and safeguarding was her overriding consideration;
- Sections of fencing and notices had been put up because part of the land was private property;
- Vandalism and antisocial behaviour had caused damage. She accepted that dog walkers used the playing field, but not all cleared up after their dogs;
- Soham Town Council could enforce dog walking, whereas the school would have to employ a warden;
- Henry Morris had a powerful educational vision but it had to be applied in today's community;
- The playing field would still be fully available to the community;
- She had brought the application to Committee for maximum transparency;
- Having written to parents, she received no negative feedback;
- She hoped Members would understand her desire to protect the school and support her application.

The Chairman asked Dr Taylor about the ownership of the land, and she replied that it now belonged to the Academy Trust but would always be for the public benefit.

Councillor Chaplin thanked the Case Officer for his report, but said that the application had little to do with the Committee because the fence could be erected under Permitted Development Rights. However, he wondered if the fence could be set in a little to create a bridleway rather than a footpath, as a gesture to those who felt they were losing something. Dr Taylor said this could be given consideration.

Councillor Beckett did not see how the application could be fully discussed with the public present. The Chairman duly asked Members if it was their wish to move into closed session, but there was no response.

Councillors Chaplin and Smith did not see the point of excluding the public when the fence could be erected anyway under Permitted Development Rights. Councillor Ambrose Smith said she thought it was a

straightforward case and that having visited the site, she did not think the fence would be obnoxious; as a parent she could understand the concerns around safeguarding.

Councillor Chaplin disagreed; it was not straightforward and some of the community were not in accord with the proposal. He did not think the application should be before the Committee and it was just a conciliatory gesture on the part of the school.

Councillor Hunt thought it sad that Dr Taylor had felt it necessary to come before the Committee and he proposed that the Officer's recommendation for approval be supported. Councillor Smith seconded the motion.

When put to the vote, the motion for approval was declared carried, there being 6 votes for, 1 against and 1 abstention.

It was resolved:

That planning application reference 18/00309/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

At this point, Councillor Schumann returned to the Chamber and resumed the Chair for the remainder of the meeting.

59. 18/00528/FUM – MAY FARM, WHITE HOUSE ROAD, LITTLEPORT, CB7 4TF

Andrew Phillips, Planning Team Leader, presented a report (reference T100, previously circulated) which sought permission for the erection of 6 additional mushroom growing tunnels, store room and service corridor.

The Committee noted that the Council's Constitution required the application to be brought to Committee due to the development proposing floor space in excess of 1,000 square metres.

The proposed development was at the back of the existing mushroom farm, which had mushroom tunnels and metal clad sheds. The most noticeable buildings were the anaerobic digesters, which were to the east, and the site was surrounded by countryside.

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

The main considerations in the determination of the application were:

- Principle;
- Residential Amenity;
- Visual Impact;
- Highway Safety/Parking; and
- Drainage.

Although the site was outside of the village framework, it was for the growing of food and this was an accepted development in the open countryside.

The proposal was located to the rear of the site and a significant distance from any neighbour, so it would not cause any loss of privacy or light and would have no overbearing impact. It was considered that subject to conditions to control lighting, hours of construction and hours of work and deliveries, there would be no detrimental impact on residential amenity.

With regard to visual impact, it was noted that the mushroom tunnels would be of a very similar appearance to those existing on site. With the existing buildings surrounding the proposed development to the south and west, it was likely that the proposal would remain unseen by members of the public for most of its life.

Speaking next of highways, the Planning Team Leader said that the main increase in traffic movement would be due to workers arriving by private car rather than by bus. No additional parking spaces were to be provided on site, but the demand in parking would be more down to the change in employment practices than the additional mushroom tunnels. There had been no objections from Local Highways Authority or the Transport Team.

Members were reminded that the proposed site and entire farm were within Flood Zone 3. It would not be possible to site the proposal in an area less at risk of flooding on the compound and it would be impractical for the developer to find a site in Flood Zones 1 or 2, as the proposal was tied to the main farm complex. The scheme was therefore considered to have passed the Sequential Test. The Environment Agency, Lead Local Flood Authority and Internal Drainage Board had no objections, but a condition would need to be added to ensure a suitable scheme was brought forward.

Drawing the Committee's attention to the planning balance, the Planning Team Leader said there was no foreseeable reason to withhold planning permission for the development, and this basis, it was recommended for approval.

In proposing that the Officer's recommendation for approval be supported, Councillor Ambrose Smith said that the business was highly valued. The motion was seconded by Councillor Chaplin and when put to the vote,

It was resolved unanimously:

That planning application reference 18/00528/FUM be APPROVED subject to the recommended conditions as set out in the Officer's report.

At this point, Councillor Hunt vacated the Council Chamber.

60. 18/00531/FUL – WITCHAM LODGE, HEADLEYS LANE, WITCHAM, CB6 2LH

Chris Hancox, Planning Officer, presented a report (reference T101, previously circulated) which sought consent for the creation of a two storey side extension, plus a single storey extension behind, with a roof terrace.

The proposal originally included additional circular portal windows into the approved sun lounge room front elevation facing the highway, which had not yet been built. However, the amendment of 21st July 2018 removed these windows from the application.

The site was located to the east of Headleys Lane, just outside the development envelope of Witcham and it backed onto fields in use as agricultural and horse grazing. Directly to the north west of the site was Witcham House, which had a large rear garden and a number of mature trees within its grounds, some of which were in close proximity to the application site boundary. Although not officially listed, Witcham House was an important Building of Local Interest within the Witcham Conservation Area.

It was noted that the application had been called in to Planning Committee by Councillor Anna Bailey for the reason set out in paragraph 2.4 of the Officer's report.

A number of illustrations were displayed at the meeting. They included a map, an aerial image, site plan, elevations and floor plans of the proposal.

The main considerations in the determination of the application were:

- Impact on Trees
- Visual Impact
- Residential Amenity Impact
- Highways Safety & Parking

The Planning Officer drew Members' attention to the tabled memorandum from the Trees Officer dated 9th August 2018, in which he objected to the proposal. It stated that he considered the potential impact upon the neighbouring Lime tree to be significant and unacceptable and he proposed an Arboricultural Method Statement be submitted to ensure that any development could be achieved if approved.

With regard to visual impact, the Committee noted that the Conservation Officer had objected to the proposed development. She considered the overall impact of the proposal would have a detrimental effect on the character and appearance of the Conservation Area and the introduction of additional built form would only provide a private benefit.

It was noted that black timber featheredge boarding was proposed for the external surfaces of the extensions rather than brickwork to match the existing. This type of boarding was more associated with barns rather than dwelling construction. It was therefore considered that it would not only be

out of keeping with the host building but would also have a negative impact on the Conservation Area.

Turning next to residential amenity, the Planning Officer said that concerns had been raised by the neighbour that the proposed first floor balcony area would cause overlooking and have a detrimental impact on their privacy. An attempt had been made to overcome this by attaching privacy screening to the north elevation railings, but it did not go far enough to resolve concerns at the eastern edge of the terrace. Witcham House had a 2 metre high conifer hedge that provided a level of privacy to their rear garden area, but this could not be relied on to be retained. As such, if the hedge was to be removed, the proposed first floor terrace would be within close proximity and cause unacceptable overlooking to the private garden space.

The Local Highways Authority had objected to the original proposal, but following the submission of revised plans, their concerns had been overcome. Two car parking spaces would be retained as part of the current proposal and the revised plans showed a more acceptable manoeuvring and entrance width.

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

- This was a simple application, as was self-evident from the drawings;
- There were existing permissions and the footprint was identical;
- The health of the Lime tree would be exactly the same as it was now;
- There was now a full Arboricultural Report which showed no long term threat to the viability of the trees, but this could be dealt with by condition;
- The applicant would be happy to accept a condition that stated the terrace should only ever be used for planting, in order to overcome the issue of overlooking;
- The applicant disagreed with the planning balance. There was no requirement in law to improve the Conservation Area, and its character would be unchanged. Materials could be controlled by condition;
- There would be no impact on or harm caused to the Conservation Area;
- The dwelling would be brought up to modern standards and in the wider picture, it would be a public benefit;
- No harm would arise from the proposal.

In response to a question from the Chairman, the Planning Officer confirmed that the neighbour's hedges were not within the control of the applicant but under legislation had due protection as they were in a

Conservation Area and therefore any works would require an application to the Local Planning Authority.

Councillor Beckett asked about the materials that had already been stated in the report; he was advised that if the application was approved, they would be addressed by a condition.

Councillor Rouse said he could not go with the recommendation for refusal. Here was a very pleasant, long and nondescript house which was not in a dominant position. Featheredge boarding was seen in this area and if applied to the proposed extension, it would give interest and catch the eye in a positive way. He believed the scheme would be a big improvement.

The Chairman commented that the applicant could still commence with the approved plans. He said he was minded to agree with Councillor Rouse that the scheme would be something different, and he too would support approval of the application. He reiterated that it would not be necessary to impose a condition regarding sitting on the terrace.

Councillor Cox said he was of a similar view although he had a slight issue with the car parking.

It was proposed by Councillor Rouse and seconded by Councillor Schumann that the Officer's recommendation for refusal be rejected, and that the application be approved. When put to the vote the motion was declared carried, there being 6 votes for, 1 against and 1 abstention. Whereupon,

It was resolved:

That planning application 18/00531/FUL be APPROVED for the following reasons:

- Members believe it will not have a detrimental impact;
- It will add interest to the edge of the Conservation Area; and
- It will have little or no impact on residential amenity.

It was further resolved:

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

At this point, Councillor Hunt returned to the Council Chamber.

The Chairman forewarned all present that the next agenda item would be audio recorded.

61. 18/00770/FUL – 33 CAMBRIDGE ROAD, ELY, CB7 4HJ

Catherine Looper, Planning Officer, presented a report (reference T102, previously circulated) which sought consent for a single storey rear extension and loft conversion, including a dormer window to the rear aspect of the roof. The application also sought an alteration to the pitch of the roof at the rear of the dwelling, which would extend the side elevation of the rear element of the dwelling by 1.3 metres. The proposed single storey rear

extension would bring the side elevation of the dwelling closer to the south boundary of the site, and would extend the ground floor level by 4 metres further into the garden area.

A previous application for a similar proposal was refused at Planning Committee on 8th June 2018 on four grounds. The current application had been submitted to try to overcome those reasons for refusal. The main changes included the removal of the Juliet balcony to the rear at first floor level, the removal of the vertical element of the first floor side windows and rooflights, and the removal of one window at ground floor in the side elevation.

The site was located within the Conservation Area of Ely and comprised a two storey detached dwelling constructed from red brickwork with a large bay window and recessed porch to the front aspect. The property was under an Article 4 Direction which restricted permitted development. Cambridge Road was characterised by large dwellings which were positioned closely together. The dwellings were generally set back from the public highway with a small amenity space to the front.

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

A number of illustrations were displayed at the meeting. They included a map, an aerial image, the elevations and layout of the proposal, a block plan and a photograph of the dwelling in the street scene.

The main considerations in the determination of the application were:

- Residential Amenity;
- Visual Amenity; and
- Conservation Area.

The Planning Officer stated that the proposed ground floor extension would protrude into the garden by 4 metres from the rear elevation and increase the width of the ground floor, leaving a gap of 1.8 metres between the side of the dwelling and the south boundary. This would feature a flat roof, with a maximum height of 2.9 metres. Windows were proposed in the south elevation at ground floor level, which faced Number 35.

While the uppermost part of the proposed extension would be visible above the boundary fencing, this was not considered to be significantly overbearing or create a loss of light to the adjacent neighbour, due to its position north of the neighbouring dwelling at Number 35. The upper panes of these south-facing windows were shown to be obscure glazed. This could be secured by condition, as well as ensuring that the upper panes of the window were not openable, and that only the lower panes could be opened to prevent overlooking.

At first floor level, the rear extension widened the existing first floor element by approximately 1.3 metres, and the pitch of the roof had changed accordingly. The applicant proposed velux rooflights and had confirmed that the sill height would be a minimum of 1.7 metres above floor level, which was considered appropriate to prevent overlooking. The two existing first

floor side facing windows had been removed, which was considered to improve the existing level of overlooking. The previously proposed Juliet balcony had been removed from the application, and the existing window would remain in situ.

The proposed alterations to the first floor would reduce the space between the side of the dwelling at first floor, and the neighbouring occupier to the south. However this would be by approximately 1.3 metres and was not considered sufficiently harmful to residential amenity to warrant refusal of the application. The extension had been designed to continue the slope of the roof, and did not involve the erection of a full height wall at first floor level.

The small extension to the first floor section of the property would be visible from the neighbouring dwelling of Number 35 but was not considered to be significantly overbearing or create a loss of light which was detrimental to neighbouring occupiers' quality of life. Neighbours had expressed concern that adjacent gardens would be overlooked, resulting in a loss of privacy and enjoyment. This extension was not of a scale that would significantly increase the level of overbearing or sense of enclosure created by the existing house. Neighbours were also concerned that the proposals would remove any distance outlook from their properties, and leave only short distance outlooks. Due to the existing two-storey element of the dwelling, certain views from neighbouring properties were restricted at present. The proposed extension to the first floor element was small in scale and was not considered to worsen the relationship between the dwelling and neighbouring properties.

The application also included the introduction of a box dormer window to the rear roof slope. This would create an increased level of overlooking, but it was not considered to be significantly detrimental to residential amenity due to the existing presence of windows at the rear of the dwelling which already allowed views into neighbouring gardens. The potential for additional windows in the future could be controlled by condition, to prevent overlooking impacts on neighbouring residential dwellings. There were existing windows at first floor level which overlooked neighbouring gardens, not only in the host dwelling but also other dwellings within the vicinity, and therefore the addition of a dormer window to the roof slope was not considered to significantly increase this level of overlooking.

The proposed alterations to the dwelling would not be highly visible from the public highway of Cambridge Road. The length of the rear element at first floor level was not being increased, and views of the ground floor extension would be limited by the boundary treatments of the property and the neighbouring property at Number 31a. The application form stated that materials would be used which match the original dwelling, and therefore the proposal would not appear uncoordinated. The proposed extension at ground floor level would be set in the from the side elevation of the existing dwelling and while this might be partially visible from certain aspects when viewed from Cambridge Road, these views were minimal and would not significantly alter the appearance of the dwelling within the street scene.

The heritage asset in relation to this application is the Ely Conservation Area. It is considered that the proposed extensions would not impact on the significance of this heritage asset and this is concurred with by

the Conservation Officers comments, who in their view states that most of the proposal will not be visible from the public domain. They consider the proposal to be acceptable and not to have a detrimental impact on the significance, character and appearance of the Conservation Area. They have advised that the proposals satisfy the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of Section 16 of the NPPF.

The proposal would be sympathetic to the surrounding area and the street scene in terms of the materials proposed and would not be highly visible from the street scene of Cambridge Road. Officers considered that the proposal would not lead to harm or the loss of significance of the heritage asset. The proposed demolition of the conservatory was considered acceptable and a benefit as it had no architectural, historic or visual significance. In contrast, the proposal comprised a high standard of design and materials in order to preserve the character of the Conservation Area as stated within policy ENV11 of the Local Plan, 2015 which was a further benefit. Views of the proposed works from the Conservation Area would not be evident or would only be limited, due to the location of the extensions, and the existing 2 storey element in situ, boundary treatments and the positioning/location of the dwelling in the Conservation Area. In view of this it was considered that there would be no harm to the Conservation Area so there was no requirement to weigh the public benefits against any harm.

Members noted that concerns had been raised during the neighbour consultation regarding the parking arrangements for the property. The proposal was for extensions to the property and therefore was not required to provide additional parking provision. Concerns had also been raised that the area of land outlined in red to the north of the dwelling was not a parking area owned by the applicant, however the applicant had stated that they owned the land. Land ownership issues were not a material planning consideration and would not affect the determination of an application. The application did not propose parking or provide the necessary details for this to be considered, and therefore any grant of permission did not include permission for a new parking area.

A number of concerns had been raised by neighbours regarding the use of the property and that this was used as a Home of Multiple Occupancy. The lawful use of the property was for a C3/C4 dwelling house, and this had not been changed under a planning application. Therefore the proposals considered by this application were to an existing C3/C4 dwelling house which could accommodate not more than 6 residents as a HMO. The use of the property had been investigated.

The Public Sector Equality Duty and the impacts on the residential amenity of neighbouring occupiers, including at least one who might share relevant protected characteristics, had been considered at length and were set out in paragraph 7.29 of the Officer's report.

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

- He lived at 35 Cambridge Road;

- This application had come to Committee 3 times, and it was still basically the same;
- The property was being used illegally as a house of multiple occupation (HMO), but the number of occupants had been reduced to a legal level during the planning application process;
- He welcomed the checks carried out by Planning Enforcement;
- He had concerns for the future because the application was aimed at increasing accommodation;
- The drawings were unreliable or false and he had been requesting additional drawings since August 2014;
- There were serious intervisibility issues and the glazing could be changed in the future;
- The secondary fence prevented him from maintaining his fence;
- The size of the extension was overbearing. The revisions reduced the width by 55cm, so the difference was negligible;
- Minor changes had not addressed the issues raised previously so why was the application recommended for approval? This was not impartial;
- This was a relatively small application and he had spent a huge amount of time and money on it;
- Some improvements could be acceptable;
- He hoped Members would take his concerns into consideration and consider the impact on his home and work life.

Councillor Rouse asked Mr Turton if he would say there was a need for HMO's when people worked in poorly paid industries. Mr Turton replied that there would be no need to extend the house to have a legal HMO.

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

- Having listened to the last recording of the application, he did not find it edifying. He went to the property to check measurements after the last committee meeting and everything which he said was true;
- Comparison drawings would be helpful, and the proposal made things better;
- The side windows were being replaced with three modest roof lights that could not be looked out of and fixed glazing on the ground floor windows was acceptable;
- The existing glazed area of the conservatory was being reduced by the proposed extension;

- The existing HMO use was lawful but the applicant intended to use the property as a family home;
- There would be no dominating, no visual impact on the Conservation Area and no overshadowing or overlooking, with overlooking being reduced from the current situation;
- He struggled to see why the application should not be approved. The applicant chose not to appeal the last time, but tried to make things better so that everything would be neighbourly and compliant.

Councillor Hunt asked if the applicant, in the interests of neighbourliness, had made any attempt to have a discussion with Mr Turton about the proposal. Mr Kratz replied not that he was aware of although Mr Turton had tried to explain what he would find acceptable. This application was to try to address the principles of neighbourliness and he believed they had been observed.

Councillor Ambrose Smith said that during the site visit, she had asked if the new single storey would go back further than that of the Turtons. She was told it would not as it should reflect the existing situation on the ground and Mr Kratz added that it was part of the design brief.

Councillor Chaplin noted that the height of the fence between the properties was not mentioned in the conditions. The Planning Manager advised Members that it could be up to 2 metres high and if they were so minded, this could be conditioned, including a requirement that it be retained in perpetuity.

Councillor Rouse said that he considered the scheme to be acceptably modest and he did not think it would be overbearing. If one was minded to live in town, one should accept that there would be an element of overlooking. This extension had taken out two of the windows that overlooked and there was no impact on the Conservation Area. He believed the proposal to be a reasonable improvement to a family home.

Councillor Beckett concurred, saying that the Committee had thoroughly discussed the application the last time and he felt the applicant had now addressed all the issues.

Councillor Chaplin felt it was a matter of balance. With the addition of a condition regarding the fence, he felt the applicant had substantially and sufficiently addressed all the issues raised.

Councillor Hunt disagreed, saying that weight should be given to the City of Ely Council's recommendation for refusal. The Case Officer had admitted there would be overlooking and the three additional high windows would look into the neighbour's garden. Not enough had been altered; the proposal would still be overbearing and cause overlooking. If the application was approved, the windows should be obscure glazed in perpetuity and fixed shut. The fence should also be conditioned in perpetuity.

Councillor Hunt did not believe that much had changed in the application, and this was merely 'Plan B'. It would be a huge extension which would generate more cars and cause nightmare parking and the issues of

overlooking and overbearing had not been addressed. He duly proposed that the Officer's recommendation for approval be rejected.

The motion for refusal was not seconded and therefore fell.

It was proposed by Councillor Rouse and seconded by Councillor Chaplin that the Officer's recommendation for approval be supported. When put to the vote the motion was declared carried, there being 7 votes for, 1 against and 1 abstention.

It was resolved:

That planning application reference 18/00770/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report and with an additional condition requiring the 2m fence between no's 33 and 35 to be retained in perpetuity.

62. 18/00774/FUL – MILLFIELDS STABLES LTD, MILLFIELD STABLES, MILL LANE, STETCHWORTH

Oli Haydon, Planning Officer, presented a report (reference T103, previously circulated) which sought consent for the demolition of the existing barn at Millfields Stables and construction of three dwellings with associated works.

The application was a resubmission of a previously refused application (17/01684/FUL) from November 2017.

The application site was located outside the defined development envelope for Stetchworth, at the western end of Mill Lane. It formed part of a wider equine operation associated with Millfields Stables with operating stables located to the south of the site and a barn to the northwest. There were open agricultural fields beyond the site, to the north and west.

It was noted that Councillor Chris Morris had requested that the application be called in to Planning Committee due to the issues identified by the Parish Council.

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

The main considerations in the determination of the application were:

- Principle of Development
- Residential Amenity
- Visual Impact
- Highway Safety & Parking
- Ecology

Members were reminded that the Council could not currently demonstrate a five year supply of land for housing and therefore the presumption should be in favour of sustainable development.

Due to its links and close proximity to the development envelope, the site was considered to be in a sustainable location within walking distance of public transport and village facilities and with good links beyond to the larger service centres. The barn was in disrepair and its use as a horsewalker was unsuitable. According to the British Horse Welfare Guidelines, the 17.5 acres of paddock was insufficient to hold a viable number of horses.

The applicant hoped to divide up the land to provide buyers of the proposed dwellings with the option of purchasing paddock/grazing land. She had stated that she wished to relocate her business to a larger and more viable site using funds raised by the conversion and redevelopment of the buildings at Millfields. While a small scale equine facility would be lost, the land surrounding it would continue to be used for more recreational equine uses and the wider impact on the horse-racing industry was likely to be negligible.

With regard to visual impact, the proposed dwellings would have a high quality design, with a rural and agricultural aesthetic achieved through the use of barn-like openings and a mixture of materials. The dwellings would be no higher than the existing barn and cover a substantially smaller footprint.

Although large in scale, it was considered that the development would not appear out of keeping with the surrounding rural operations and existing farmhouse and edge of settlement location. The proposal was not deemed to cause substantial visual harm to the character and appearance of the area.

The proposed dwellings would be located approximately 60 metres from the nearest residential property and it was unlikely that they would have any overbearing or overlooking impact on these neighbours. They had been designed and positioned in a way to ensure that overlooking was kept to a minimum. Sufficient amenity space and separation distances were provided within the plots to keep overbearing to acceptable levels. The muck heap and horse walker had been relocated within the wider site; the impact of any future equine operations was likely to be small enough in scale to represent an acceptable level of harm to the future residents of the scheme.

Speaking of highway safety and parking, the Planning Officer said that sufficient parking and turning had been provided within the site and through the implementation of a turning head at the site entrance. The Local Highways Authority had raised no objections and the Ramblers Association considered that the development was unlikely to adversely affect the enjoyment of users of the local footpaths.

The existing agricultural access point would be blocked, ensuring that no agricultural traffic could use the residential site to access the land to the rear. The stables, repositioned horse walker and muck heap would be served by their own dedicated access at the front of the site. The development of the site for residential purposes might increase vehicular movements to and from the site, but the intensity and scale was likely to be lessened. In planning

terms, construction works formed a temporary disturbance and would not represent a reasonable justification for refusal.

In connection with other material matters, it was noted that the Ecology Survey submitted with the application identified no significant constraints and the Scientific Officer recommended mitigation measures to ensure that a remediation strategy was in place for the demolition of the barn. Environmental Health recommended that construction hours be limited by condition and a full surface and foul drainage water drainage scheme would be required by condition to ensure compliance with relevant local and national policies.

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

- This was an archetypal scheme;
- He commended the Case Officer on his report;
- In the planning balance, the new National Planning Policy Framework (NPPF) gave additional weight to windfall sites;
- The site was a very sustainable location and the consultees had been involved in the evolution of the application;
- The farm building would be removed and replaced with something of a much higher quality.

At the invitation of the Chairman, Parish Councillor Lily Whymer, Stetchworth Parish Council, addressed the Committee and made the following points:

- The previous application, which was practically identical, had been refused under delegated powers and she did not understand why this was being approved;
- Stetchworth was an infill village. Mill Lane was very narrow and had no footpath, and the junction with Tea Kettle Lane was a blind corner. It was also on a school route;
- The proposal breached policies ENV1 and EMP6. If it went ahead, it could make the stud unviable. There could be a need for smaller studs;
- The applicant had said the old stable block would be demolished, there would be new dwellings built in its place and then she would move;
- It would end up with very large houses going up on small plots, and young people would not be able to afford them.

In response to a question from the Chairman, Parish Councillor Whymer confirmed that Stetchworth was not allocated any growth in the Submitted Local Plan.

Councillor Rouse said it would be sad to lose the stud, but this was a reasonable scheme on a windfall site. The development could be very attractive, replacing a derelict barn, and there would still be some activity involving horses. It was the Committee's role to look at the application and ask if it was reasonable. He duly proposed that the Officer's recommendation for approval be supported.

Councillor Beckett agreed, adding that it would be nice to see some development in the smaller villages, and this was a good scheme.

The motion for approval was seconded by Councillor Cox, and when put to the vote,

It was resolved unanimously:

That planning application reference 18/00774/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

There followed a comfort break between 4.55pm and 5.05pm.

63. 18/00775/FUL – 51 CANNON STREET, LITTLE DOWNHAM, CB6 2SS

Oli Haydon, Planning Officer, presented a report (reference T104, previously circulated) which sought consent for the demolition of the dwelling at 51 Cannon Street and the construction of 2 four bedroom dwellings fronting Cannon Street, 3 two bedroom dwellings to the rear and 1 three bedroom dwelling fronting White Horse Lane.

The application site comprised a vacant plot of land, once used as an orchard, located just to the south of the development boundary of the village which also formed the boundaries of the rear gardens of 49A, 49 and 51 Cannon Street. These neighbouring dwellings also occupied elevated positions in respect of the application site, with downward sloping gardens benefiting from mature gardens and hedge growth. Part of the eastern boundary of the site was demarcated by White Horse Lane; to the south was open farmland and to the west of the site were small scale agricultural buildings and residential ancillary structures.

It was noted that the application was called in to Planning Committee by Councillor Anna Bailey 'given the number of comments raised by nearby residents and the planning history of the site.'

A number of illustrations were displayed at the meeting. They included a map, an aerial image, the layout, elevations, a visualisation of the scheme and a photograph of the street scene.

The main considerations in the determination of the application were:

- Principle of Development;
- Residential Amenity;
- Visual Impact;

- Highway Safety & Parking;
- Trees & Ecology; and
- Flood Risk & Drainage.

The Committee was reminded that the Council was currently unable to demonstrate a 5 year supply of land for housing and therefore Policies GROWTH2 and LP3 could not be considered up to date in relation to the supply of housing land.

Due to its links and close proximity to the development envelope, the site was considered to be in a sustainable location within walking distance of public transport and village facilities, and with good links beyond to the larger service centres.

It was noted that the dismissed appeal had concluded that the dwellings fronting Cannon Street were considered to be overly tall and set close together resulting in a cramped and imposing appearance in the varied street scene of Cannon Street. However, the current proposal had reduced the number of dwellings, reduced their scale and height and increased separation distances between the plots. The layout had been informalised to position the dwellings at deviating angles to create an irregular form and further reduce the perception of a dense 'backland' development. Officers considered that the visual impact of the proposed development was acceptable and would not appear incongruous.

With regard to residential amenity, the amended layout avoided harm from vehicle noise and there were sufficient separation distances to avoid overbearing. There would be no harmful overlooking and the overbearing impact on 5 White Horse Lane had been overcome since the previous refusal.

It was noted that the proposal would be served by a new access road off Cannon Road. Concerns had been raised regarding the increase in on-street parking and the conflict of uses between residents and agricultural traffic using the road. However, the Local Highways Authority had raised no concerns as sufficient parking and turning would be provided on-site.

The site had scope for significant biodiversity enhancements, including the retention and enhancement of the orchard area, the establishment of a native species hedgerow and bird and bat box enhancements; implementation would be secured by condition.

A surface water drainage scheme would be secured by condition for scrutiny by the Lead Local Flood Authority and Internal Drainage Board.

A Construction Environment Management Plan and an Energy strategy would both be secured by condition.

At the invitation of the Chairman, Mr Norman Hynam addressed the Committee and made the following comments:

- He resided at 49A Cannon Street;
- Little Downham was an active and close-knit community;

- This application was backfill. It would affect views and harden the edge of the village;
- There would only be a modest economic benefit and the adverse impact would outweigh the benefits;
- If approved, the last of the orchard would be removed;
- There was no bus service for workers;
- It would change the view from the nature reserve and there would be traffic issues for Plots 3 – 5;
- It would create an unstoppable precedent, opening the door for development down the whole of Cannon Street. This would harm the village for ever;
- There would be inadequate parking, an unadopted road and loss of views of the Isle of Ely;
- With regard to material planning considerations, why was there no Phase 1 Ecology Survey?
- He had Great Crested Newts in his garden.

In response to a question from Councillor Rouse, Mr Hynam confirmed that his house would be directly overlooked by the proposed development.

At the invitation of the Chairman, Mr Peter McKeown, agent, addressed the Committee and made the following remarks:

- He welcomed the recommendation for approval;
- The proposal would deliver 5 dwellings and it responded positively to the previous application;
- He had worked with Officers and significant changes had been made to the application. The frontage had been revised so that it was no longer cramped. The 3 dwellings at the rear would not be incongruous. Key views would be retained, and Plot 6 had been revised, taking on board the Planning Inspector's view;
- Off street parking was compliant;
- The introduction of development to the rear was acceptable and would be sympathetic;
- The proposal would enhance a desirable area with a mix of housing;
- It would be a sustainable development and the benefits would outweigh any harm;
- The applicant had worked hard to address concerns.

Councillor Hunt wished to know if the road would be constructed to an adoptable standard. Mr McKeown replied that it would, but it would not be adopted by the County Council. Refuse vehicles would enter the site, turn and then exit. The Chairman reminded the Committee that the Council was not obliged to collect on unadopted roads, but would do so if the road was safe to access.

At the invitation of the Chairman, Parish Councillors Marilyn Oldfield and Richard Maxey, Little Downham Parish Council, each addressed the Committee and made the following points:

Councillor Oldfield:

- The Parish Council had put forward their concerns regarding density and the impact of the proposal;
- Nothing had changed since the last application and nothing would alleviate their concerns;
- Drainage was an issue because there was flooding on the field;
- There were Great Crested Newts present on the site;
- There was already a lack of car parking in Cannon Street and with insufficient parking spaces on the development, this would lead to overspill onto Cannon Street;
- There was no decent public transport, therefore people would travel by car;
- The access to the rear of the site was very narrow;
- People in the backfill would have to bring their rubbish up to the road;
- Three of the backfill dwellings would affect privacy;
- The Parish Council was very aware of the need for housing, but needed to be listened to properly;
- The frontage of 51 Cannon Street would be filled by two houses and a dwelling might well be built in White Horse Lane. In their opinion, due to the land height and proximity to the frontage of 5 White Horse Lane, it should only be a bungalow;
- If the whole development was approved, who took responsibility for the effects? Could they ask the Council for a review in 18 months time, when the problems outlined have proved correct and are having detrimental effects – no, they cannot. Planners made decisions and moved on; others had to deal with the consequences;
- A further Environmental Survey should be carried out.

Councillor Maxey:

- He had only lived in the village for a very short time, but was aware of the great sense of pride and ownership in the nature reserve;

- He was here on behalf of the Little Downham Conservation Group, who wished to express their concerns;
- They wished to preserve the diversity of the reserve, which was home to rare butterflies, owls, water voles, and not least, newts.

At this point the Chairman informed Councillor Maxey that the five minutes of allocated speaking time had been exhausted.

At the invitation of the Chairman, Councillor Anna Bailey, a Ward Member for Downham Villages, addressed the Committee and made the following remarks:

- She had been contacted by many people. 29 properties had been notified of the application and 22 objections had been received, all of them detailed careful letters;
- She did not like backland development. Cannon Street was on the natural ridge of a hill and it was not designed to have housing all the way down;
- The proposal comprised a number of different designs and she was confused as to what the end result would look like;
- Plots 1 and 2 were still out of keeping because of their height;
- There was no visitor parking and this was a legitimate concern;
- At Appeal, Plots 1 and 2 were found to be cramped, and while she welcomed their reduction in height, they would still appear cramped in the street scene;
- Although the number of units had been reduced, they would still give rise to noise issues from backland development;
- She had been contacted by the Conservation Group. She could not see the Ecology Report on the planning portal and she was surprised that there had been no Phase 1 Habitat Survey – this should be undertaken;
- All material planning considerations should be considered.

At this point, Councillor Rouse apologised as he had to leave the meeting. He said he meant no disrespect to this or the other applicants and duly vacated the Chamber.

The Planning Officer stated that a Phase 1 Habitat Survey had been submitted with the June 2017 application and it was considered to still be in date. There was a low to moderate chance that newts would be present and the site could be mown at any other time. The second survey would just concrete the findings of the first survey, but if Members were minded to defer determination of the application, this would be no problem.

The Planning Solicitor reminded Members that newts were a protected species. As the Conservation Group and local residents had spoken of their presence, he believed it would be wise to look at this again.

The Chairman proposed and the Committee agreed that consideration of the application should be deferred immediately. Whereupon,

It was resolved:

That consideration of planning application reference 18/00775/FUL be deferred to allow further discussion regarding the Ecological Survey with particular regard to the alleged presence of Great Crested Newts on or near the site.

64. 18/00781/OUT – LAND NORTHEAST OF 37 AND 38 HIGH STREET, CHIPPENHAM

Andrew Phillips, Planning Team Leader, presented a report (reference T105, previously circulated) which sought outline permission for five dwellings with only detailed consent for access being sought.

With the previous application (17/01221/OUT) on site having been refused on access grounds, the developer had now provided details of the access point onto the High Street.

The previous application was currently being appealed. This application had been amended so that a revised access arrangement could be submitted and revised forms submitted, including notification of the County Council as landowner.

On a point of housekeeping, Members' attention was drawn to the tabled copies of comments received after the Officer's report had been written.

The site was located outside of but adjacent to the village framework and Chippenham Conservation Area. It was within a Mineral Safeguarding Area, in an open field surrounded by mature planting. A Public Right of Way was located on the northern and eastern boundaries of the paddock, but was separated from the application site by at least 48 metres. A listed building was situated on the opposite side of the road approximately 30 metres southwest of the likely proposed site entrance.

It was noted that the Chairman and Vice Chairman of the Planning Committee had confirmed that this should be determined at Planning Committee, as the previous application was determined at Committee.

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

The main considerations in the determination of the application were:

- Principle;
- Highway Safety;
- Visual Impact/Historic Environment; and
- Ecology.

The Senior Planning Officer reiterated that as the Council was currently unable to demonstrate a 5 year supply of land for housing, the presumption had to be in favour of sustainable development unless any adverse effects of the development significantly and demonstrably outweighed the benefits.

The proposal was adjacent to the framework and had access by public footpath into the village, which made the site relatively sustainable within the village. It provided a small provision of dwellings in the village that would help the District meet its requirement to provide a continuous 5 year land supply of housing. On this basis the principle of development was considered to be acceptable.

With regard to highway safety, Members noted that the Local Highways Authority had no objections to the proposal, subject to pedestrian visibility splays being required. As the inter-vehicle visibility splays were entirely within land that they controlled, this would not need to be conditioned. The proposed road width was in excess of that required to allow two cars to pass, due to the need to provide pedestrians and vehicles room to manoeuvre, and could be adopted.

Whilst it was noted that many drivers were breaking the speed limit, this was a criminal offence and therefore not for the developer or Local Planning Authority to resolve.

As all matters, apart from access, were reserved on this application, only a limited assessment of visual impact could be made. There was no reason to consider that at reserved matters stage there would be any problems designing suitable dwellings that would either preserve or enhance the street scene. The proposal would likely be in a cul-de-sac form that would be in keeping with the adjacent Scotland End development. The impact on the historic environment was considered to be neutral to negligible and the development would be well separated from the Conservation Area and listed building by the existing built form.

Speaking next of ecology, the Planning Team Leader said that there had been no objections from Natural England regarding the proposed scheme. The developer had provided an Ecology Report that backed up the view that the only potential detrimental impact was if development took place in the small area of hedgerow during bird nesting season. A condition could be added in order to protect nesting birds.

In terms of other material matters, the recommended conditions would protect residential amenity and ensure water was drained appropriately.

On balance it was recommended that Members grant delegated approval subject to the recommended conditions.

At the invitation of the Chairman, Mrs Denson and Mr Andrew Berry each addressed the Committee and made the following points:

Mr Berry:

- He lived at 1 Scotland End;

- The site had been the subject of an application, re-applications and appeals. This latest application was the same as the previous one, in close proximity to the road junction;
- The NPPF said that permission should be granted, but the community did not want it, there were no employment opportunities in the village and the development would extend the village boundary;
- Whilst the Local Highways Authority had no issues, there were concerns regarding access;
- The applicant was not responsible for speeding drivers, but the proposal would increase danger because this area had already had numerous traffic incidents. Clear visibility lines were not practical;
- The Parish Council was not adverse to development on suitable sites, but this was not deliverable.

Mrs Denson:

- She lived at No 37 High Street, adjacent to the paddock and proposed access;
- She could not see any difference from the original application;
- The 3 metre hedge on her property blocked visibility but it had been omitted from the plan;
- The proposal would cut across her driveway;
- The residents of Manor Farm barns had not been consulted on the application;
- If approved, there would now be 5 vehicle access points onto a very busy junction;
- She urged Members to look again at the proposal.

At the invitation of the Chairman, Mr Malcolm Daines-Smith, agent, addressed the Committee and made the following comments:

- The Local Plan had been adopted with a 5 year supply of land for housing. However, the Gladman Appeal questioned the Submitted Local Plan and this now only carried very limited weight. It proved that the 5 year supply was short of 1400 homes;
- The application was refused in 2017 on highways grounds;
- A highways report was submitted with this application and a traffic speed survey carried out;
- The County Council had no objections to the access, having said that the visibility splays were in excess of what was required and were achievable;

- The main objections to the application related to highways and unsustainability. With regard to the former, it was common to have speeding but the developer was doing the utmost to make the development as safe as possible;
- It was anticipated that there would be no adverse ecological impact and Natural England had raised no objections;
- The development would be well screened and would have no effect on the Conservation Area,
- The issue of sustainability had been debated in October 2017 and addressed by the Case Officer;
- Little weight could be attached to the 5 Year Plan;
- There were no material reasons to refuse the application and today's case was much stronger.

When asked by the Chairman about the results of the Traffic Survey, Mr Daines-Smith said that those vehicles exceeding the speed limit were found to be averaging 36 mph and the visibility splays were designed to this speed.

At the invitation of the Chairman, Parish Councillor Nick Parsons, Chairman of Chippenham Parish Council, addressed the Committee and made the following remarks:

- He did not believe the safety issues had been resolved because traffic frequently entered the village going above the speed limit. This caused problems for residents exiting Scotland End, and horse transport caused issues;
- Adding another access road would have a detrimental effect and the visibility splays would encroach on the neighbouring property;
- The Parish Council frequently raised concerns about speeding. It had applied for grants for traffic calming in 2014 and 2016. A car had overturned at the junction in 2012, there had been a collision in 2014 and a woman had been thrown from her horse in 2018;
- No sites had been proposed for development in the Submitted Local Plan, and the aim of Policy Chippenham 1 was to '*preserve and enhance the special qualities of Chippenham*';
- The Parish Council understood and supported development, but not when it was speculative. Housing could be achieved.

At the invitation of the Chairman, Councillor Julia Huffer, a Ward Member for Fordham Villages, addressed the Committee and read from the following prepared statement:

'Thank you Chairman and members of the Planning Committee for allowing me to speak on behalf of the residents of Chippenham with regard to this application. I spoke to you before about this application which you refused at the time on the grounds of road safety and access issues.'

I understand this matter is also before the Planning Inspectorate with a decision pending. I was present at the last Parish Council meeting where several members of the public feel that this matter should be decided by the Inspector. They feel that although the access issues may have been settled up to a point, the safety issue has not changed.

Cars and lorries use this road as a cut through to the A11 and A14 and enter the village at alarming speed. It may be illegal and therefore technically not a planning issue but it is a fact of life that people do break the law as they enter the village. Anyone who has walked along that road will know how fast traffic moves, only slowing down when they are well into the village and sometimes not even then.

If the application is approved, there will be a nasty accident. I would respectfully ask you to refuse this application and allow the Inspectorate to make their judgement.'

Councillor Hunt noted that the Local Highways Authority had stated they would not offer to adopt the internal roads of the development because the layout was not to an adoptable standard. He felt that this raised questions about refuse lorries and emergency vehicles being able to access the site. The Planning Team Leader advised the Committee that the access would be constructed to an adoptable standard and that there was no reason as to why an internal adoptable road could not be achieved, including turning head, at the reserved matters stage.

Councillor Hunt continued, saying that common sense should prevail and Members should always consider that while the applicant could appeal a refusal or resubmit the application, residents could not. He believed it would be fairer to reject the application because everyone agreed that the junction was very dangerous.

The Chairman reiterated that the statutory authority had said there were no issues and Members should be mindful of the repercussions of refusing the application. However, he found it shocking that the Local Highways Authority had not highlighted the issues, and he thought the overgrown hedges would increase the risks even more. He had every sympathy with the applicant trying to prove the scheme would be safe, but said he would prefer a decision for refusal to be overturned rather than grant approval and then learn that there had been a serious incident.

Councillor Beckett concurred, saying it was a fact that there had been accidents there and real time mattered more than the comments made by Highways. There was not enough room to put in a road, there was no pavement, the road would not be to an adoptable standard and the access would not be safe.

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

It was resolved unanimously:

That planning application reference 18/00781/OUT be REFUSED for the following reasons:

- Concerns regarding highway safety; and
- Concerns regarding pedestrian access to and from the site.

65. 18/00840/OUT – COLLEGE FARM, MAIN STREET, WENTWORTH, CB6 3QG

Andrew Philips, Planning Team Leader, presented a report (reference T106, previously circulated) which sought permission for 6 self build units at the end of Main Street that would involve the demolition of the existing barn on site. This was an outline application with only access seeking to be determined at this stage. The Planning Team Leader confirmed that it was only Councillors Cheetham and Hugo who had objected as Ward Members, and not Councillor Smith

The application had been amended to remove some of the passing bays in order to overcome concerns raised regarding character and tree protection; in addition, the developer had provided an updated statement on biodiversity.

The main entrance to the site was via Main Street, but it had a country track that connected onto Haddenham Road to the east. Main Street was a single track lane that had several Tree Preservation Orders (TPO) either side of the road and there was also a TPO in the small copse of trees adjacent to the site entrance. The site was defined by a large barn structure; to its north were the existing dwellings along Main Street and there was open countryside to the south and west.

It was noted that the application had come to Planning Committee because Ward Councillors Steve Cheetham and Mark Hugo were seeking refusal of the scheme and the Officer's recommendation was one of approval.

A number of illustrations were displayed at the meeting. They included a map, an aerial image outlining the site, a plan of the access and another showing the proposed passing bay.

The main considerations in the determination of the application were:

- Principle;
- Highway Safety;
- Visual Impact/Historic Environment;
- Residential Amenity; and
- Ecology.

With regard to the principle of development, the Planning Team Leader reiterated that the Council was currently unable to demonstrate a 5 year supply of land for housing and therefore the presumption should be in favour of sustainable development.

The site was adjacent to the village framework and the proposal was not an infill site but was replacing an existing relatively large barn. Members noted that the Parish was isolated and did not have any services beyond what was provided by the Church. Existing and proposed houses within the village would be considered to be unsustainable due to the reliance on private vehicles to access services, facilities and employment. However, the proposed development was small and would provide much needed self-build plots that would help to provide a continuous 5 year land supply.

Paragraph 78 of the NPPF made it clear that additional dwellings could help maintain the vitality of rural communities and that services could be located in a nearby settlement. In this case, the neighbouring villages of Sutton and Witchford offered a range of services and facilities to the village of Wentworth. On this basis the principle of development was considered to be acceptable.

It was considered that the proposal would generate little additional traffic along Main Street and while it was likely that each dwelling would have two cars, they were very unlikely to leave or enter the site at the same time. Main Street was a very narrow lane with limited passing spaces. The developer was seeking to provide an additional passing bay near 1 Main Street and while it would be adjacent to an approved driveway for a new dwelling, it was not considered that it would interfere with it. A Grampian Condition for the provision of the passing bay could be added and this would be under the control of the Local Highways Authority.

As the application was not determining scale, layout, design or landscape, it was only possible to consider potential impacts at this stage. It was likely that the built form on the site would not dramatically increase, so the visual impact on the character of the area would be relatively minor. The proposal would lead to the loss of some trees due to the widening of the entrance road but this could be mitigated by planting additional trees along the boundary; this could be secured at reserved matters.

Speaking next of residential amenity, the Planning Team Leader said that as the proposal was a very low density scheme, it should be possible to design the 6 dwellings to ensure there was no detrimental overlooking, loss of light or overbearing impact on both the existing and proposed dwellings. The development might cause some disturbance to residents and with a single width lane, there was a reasonable concern that large vehicles might block the highway. It was therefore recommended that conditions be added requiring the developer to provide a Construction Environmental Management Plan (CEMP) and to keep construction work within set socially acceptable time periods.

Members noted that the developer had provided an additional biodiversity Survey in order to update those carried out in 2017. The ecologist did not believe there would be any detrimental impact on protected species and a condition would be added to enhance ecology.

On balance it was considered that the benefits of the proposal outweighed the identified harm and the application was therefore recommended for approval.

At the invitation of the Chairman, Parish Councillor Soames Springthorpe, Wentworth Parish Council, addressed the Committee and made the following points:

- He was representing the Parish Council and parishioners;
- The housing figures were wrong because they were taken from the 2015 Local Plan. Wentworth had been identified to deliver 11 new homes by 2031 and 12 houses had already been approved ahead of that date;
- The Parish Council had actively engaged in all applications except this one, and the applicant did not attend the meeting;
- Development needed to be infill, not backfill. This would be a satellite development outside the development envelope and it would promote backfill. It was urban sprawl and if approved, would set a precedent;
- Two of the local District Councillors supported refusal and there were far more suitable locations for the development;
- The location was unsustainable and the passing place was not needed;
- Wentworth had embraced the need for new houses, but the proposal was counter to Green Policies for the village;
- The development would do harm and the only beneficiary would be the applicant.

Councillor Ambrose Smith asked Councillor Springthorpe if he thought a group of people building homes for their own occupation was an attractive prospect. She believed it presented the opportunity for 5 families to move into the village. Councillor Springthorpe replied that they wanted people to move into Main Street, inside the village framework.

Councillor Cox wished to know about the centre of the village, what land was available and who owned it. Councillor Springthorpe replied that the centre was towards the church and it was owned by the Church Commissioners; there was land available with road frontage next to the play park.

Councillor Ambrose Smith next asked if the site of the barn was brownfield land. The Planning Manager advised Members that General Development Permitted Order (GDPO) applications could convert barns into dwellings and there were up to 5 criteria to be satisfied under Permitted Development Rights.

Councillor Smith said he shared the concerns of the Parish Council and residents; isolated homes in the countryside should be avoided and this proposal would not be in keeping with the street scene.

Councillor Hunt proposed that the Officer's recommendation for approval be rejected, as he believed the development would have a negative impact on the character of the area, and it would damage village cohesion.

He felt that notice should be taken of the views of the Parish Council and local District Members. Councillor Smith seconded the motion for refusal.

The Chairman reminded the Committee of the presumption in favour of sustainable development and to consider whether the proposal caused significant and demonstrable harm. He could not see that it would, and besides which, not everyone wanted to live in a town. He thought this to be a truly different option and said that some growth was needed in the smaller villages or they would lose their amenities.

The Committee returned to the motion for refusal. When put to the vote, it was declared lost, there being 2 votes for, 5 against and 1 abstention.

It was proposed by Councillor Cox and seconded by Councillor Ambrose Smith that the Officer's recommendation for approval be supported. When put to the vote, the motion was declared carried, there being 5 votes for, 2 against and 1 abstention.

It was resolved:

That planning application reference 18/00824/OUT be APPROVED subject to the conditions as set out in the Officer's report.

66. 18/00914/OUT – 34 MARKET STREET, FORDHAM, CB7 5LQ

Oli Haydon, Planning Officer, presented a report (reference T107, previously circulated) which sought outline planning consent for four dwellings, garaging and parking to the rear of 34 Market Street, Fordham. Access and scale were to be considered at this stage, with the matters of appearance, landscaping and layout remaining as reserved matters.

On a point of housekeeping, Members were asked to note that the Fordham Neighbourhood Plan had met the examiner's basic conditions and would now proceed to referendum. It should now be referred to as the '*Post Examination Neighbourhood Plan.*'

The site was located adjacent to the development envelope for Fordham. Running along the northern boundary was the 'Townsend Wood' Woodland Trust Reserve, an area of protected woodland. To the east of the site was open paddock land with residential development beyond. Immediately to the south-west was a recently approved development for two dwellings to the rear of 32 Market Street.

It was noted that the application had been called in to Planning Committee by Councillor Joshua Schumann for the reason stated in paragraph 2.3 of the Officer's report.

A number of illustrations were displayed at the meeting. They included a map, an aerial image outlining the site, an outline of the access and scale, and a photograph of the street scene.

The main considerations in the determination of the application were:

- Principle of Development;

- Residential Amenity;
- Visual Impact; and
- Highway Safety & Parking.

With regard to the principle of development, it was noted that the site was outside the development envelope for Fordham.

The proposal would result in the loss of land from the countryside and contravene Policy 1 of the Post Examination Fordham Neighbourhood Plan. Recent case law dictated that the Neighbourhood Plan should be given significant weight in the determination of the application and the scheme's policy contravention therefore resulted in a recommendation for its refusal.

In connection with visual amenity, the Planning Team Leader said that this area of Fordham was included in Policy 5 (Ironbridge Path & New Path Area) of the Fordham Neighbourhood Plan (FNP) as part of the village that should be protected. It was considered that due to the amount of built form proposed, the scheme would lead to irreversible harm to the openness of this undeveloped area within Fordham.

Due to the visibility of the site from the nearby footpaths, the proximity of the protected woodland and the open and unique nature of the site in the relatively densely built area of Fordham, the introduction of large-scale built form on the site would result in an undesirable hardening of the edge between the built up extent of the village and the rural area. The scheme would result in significant harm to the visual character of the area and whilst details of appearance remained as a reserved matter, the mere presence of four residential units on this open paddock site would erode the natural landscape enjoyed by users of the surrounding public footpaths.

A full assessment of the impact on residential amenity would be made at the reserved matters stage. However, in principle the scheme appeared to adequately avoid harm to the amenity of nearby occupiers.

The Local Highway Authority had raised no concerns regarding the proposal and sufficient parking was available within the site. The County Council Asset Information Team had offered no comment on the impact of the scheme on the adjacent footpath.

In terms of other material matters, Members noted that the site was open paddock with a limited ecological value; the neighbouring protected woodland was unlikely to be directly harmed, and a drainage scheme would be secured by condition.

However, it was considered that the scheme would result in significant harm to the visual character of the area with the four residential units on the open paddock site eroding the natural landscape enjoyed by users of the surrounding public footpaths. The introduction of large-scale built form on the site would result in an undesirable hardening of the edge between the built-up extent of the village and the rural area. The proposal was therefore recommended for refusal.

At the invitation of the Chairman, Mr Adrian Fleet, agent, addressed the Committee and made the following comments:

- The four dwellings would reflect the local density and scale was critical to success;
- Policies 2 and 5 would ensure the efficient use of land;
- The paddock was unique and would be surrounded by mature planting. The height and density of the trees would act as a screen;
- Although the site was outside the development framework, it was a sustainable location;
- Massing, materials and layout could be dealt with a reserved matters stage;
- This Neighbourhood Plan had not yet been made;
- He believed the benefits of the scheme would outweigh any harm.

At the invitation of the Chairman, Councillor Julia Huffer, a Ward Member for Fordham Villages, addressed the Committee and read from a prepared statement:

‘Thank you Chairman and members of the Committee for allowing me to speak on behalf of the residents of Fordham about this application. Before I go any further, I would like to notify you that I live at No. 38 Market Street and that when this matter came before the Parish Council I left the room and took no part in the discussion or vote. I also spoke to the Legal Officer to clarify if I could address you today and as I am speaking on behalf of my constituents and not myself, I was reassured that I was not in breach of any code.

Many local residents have expressed their dismay at this application. The quiet beauty of the Townsend Woods and the area surrounding it, New Path and Ironbridge Path would be decimated by this proposed development, which extends right up to the boundary. In our Neighbourhood Plan this area is recognised as an area to be persevered as an unspoilt and undeveloped area to be enjoyed by all who use this path to walk to the centre of the village either on their way to school or to the shops. We have worked hard on the Neighbourhood Plan, which I am pleased to say has passed all the examination phases and we now await the referendum.

I have been overwhelmed by the amount of support shown by the residents of Fordham for our Neighbourhood Plan and the fact the two large National land agents were the only objectors and whose objections were dismissed by the Examiner gives weight to the Plan. Obviously I cannot predict the future but I am quietly confident based only on the many conversations I have had with local people that the Plan has massive local support.

I have said this to this Committee on many occasions, and it still remains my view that Fordham has done its bit and frankly do we, as a community, need 4 more executive homes when within a hundred yards

there are at least 4 new large 4 bedroomed homes which remain unsold after months on the market.

I would ask the Committee to agree with the Planning Officer and refuse this application.'

The Planning Manager said that case law had been looked at and every criteria of the Post examination Fordham Neighbourhood Plan had been met. A 3 year supply of land for housing was needed and the Council could demonstrate that it had 3.86 years; significant weight could be attached to this.

Councillor Ambrose Smith asked about the status of the land and the Planning Officer replied that it would not be made a particular feature but recognised as a green heart; the area would be preserved. Councillor Huffer agreed, adding that it was an unspoilt area and people wanted it to remain as a green heart because the footpaths were used by the elderly and young.

Councillor Smith urged Members to be careful. He felt that if the application was to be approved, it would send the message that there was no point in Neighbourhood Plans because the Council would ignore them.

The Chairman considered this to be a very valid point, saying that Neighbourhood Plans should not be undermined. He thanked the Planning Team Leader and Planning Manager for undertaking such rigorous research.

In proposing that the Officer's recommendation for refusal be supported, Councillor Beckett said that Fordham was becoming very unique because it had taken far and above a significant level of development. This was a green lung, a significant area which should be retained, and development should be resisted.

The motion for refusal was seconded by Councillor Hunt and when put to the vote it was declared carried, there being 7 votes for and 1 abstention. Whereupon,

It was resolved:

That planning application reference 18/00914/OUT be REFUSED for the reasons given in the Officer's report with the Fordham Neighbourhood Plan being stated as the Post Examination Fordham Neighbourhood Plan.

The meeting closed at 7.01pm