



# 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 2 August 2023

### **Present:**

Cllr Chika Akinwale  
Cllr Christine Ambrose Smith  
Cllr Martin Goodearl  
Cllr Keith Horgan (substitute for Cllr David Brown)  
Cllr Julia Huffer (substitute for Cllr Lavinia Edwards)  
Cllr Bill Hunt  
Cllr James Lay  
Cllr John Trapp  
Cllr Mary Wade (substitute for Cllr Kathrin Holtzmann)  
Cllr Christine Whelan  
Cllr Gareth Wilson

### **Officers:**

Maggie Camp – Director Legal Services  
Holly Chapman – Senior Planning Officer  
Caroline Evans – Senior Democratic Services Officer  
Simon Ellis – Planning Manager  
Lisa Moden – Planning Officer  
Dan Smith – Planning Team Leader  
Angela Tyrrell – Senior Legal Assistant  
Hannah Walker – Trainee Democratic Services Officer

### **In attendance:**

Cllr Lucius Vellacott (Ward Member, Agenda Items 8 & 9, Minutes 18 & 19)

Parish Cllr Liz Houghton (Chair of Wicken Parish Council, Agenda Item 8, Minute 18)  
Georgina McCrae (Applicant, Agenda Item 5, Minute 15)  
Hannah Short (Applicant, Agenda Item 6, Minute 16)  
Antony Smith (Applicant's Agent, Agenda Item 9, Minute 19)  
Rebecca Smith (Applicant, Agenda Item 5, Minute 15)  
Alan White (Applicant, Agenda Item 7, Minute 17)  
7 other members of the public

Bobbie Athinodorou – Development Services Support Officer  
Isabel Edgar – Director Operations  
Annalise Lister – Communications Manager

## 11. Apologies and substitutions

Apologies for absence were received from Cllrs Brown, Edwards and Holtzmann.

Cllrs Horgan, Huffer and Wade were attending as their respective substitutes.

## 12. Declarations of interest

No declarations of interest were made.

## 13. Minutes

The Committee received the Minutes of the meeting held on 21<sup>st</sup> June 2023.

It was resolved unanimously:

That the Minutes of the Planning Committee meeting held on 21<sup>st</sup> June 2023 be confirmed as a correct record and be signed by the Chairman.

## 14. Chairman's announcements

There were no Chairman's announcements.

## 15. 22/00420/RMM – Phase 1, Millstone Park, Land adjacent to Melton Farm, Newmarket Road, Burwell

Dan Smith, Planning Team Leader, presented a report (Y26, previously circulated) recommending the granting of delegated powers for the Planning Manager to approve a reserved matters application regarding the layout, scale, appearance and landscaping for phase 1 of the outline permission granted in 2019 for application 15/01175/OUM and varied under 15/01175/NMAA and 15/01175/NMAB. The wider site had outline permission for up to 350 dwellings; the phase 1 application requested permission for 143 dwellings.

Members were shown plans and aerial images illustrating the site's location on previously arable land on the edge of Burwell, bordering Newmarket Road, and with the wider development site to the north and east. A site layout plan showed an open area and play space to the west and spine road to the east of the proposed housing. Elevations and CGIs of street scenes were also shown together with photographs of the site.

The main considerations for the application were deemed to be:

- **Principle of development** – the wider site had been allocated for residential development under policy BUR1 of the Local Plan 2015 and had been granted outline permission for up to 350 dwellings to be built in three phases. The site access had also been determined with the outline permission in 2018. Residential development of the site was therefore acceptable in principle.

- **Housing numbers and mix** – the proposed number of dwellings in phase 1 had been reduced from 150 to 143 during the course of the application but concerns remained regarding the balance of housing numbers across the three phases. However, the density was broadly in accordance with the outline development framework plan. Officers considered that it would be challenging, but not impossible, to deliver an acceptable scheme both within phase 1 and across the wider site. The proposed housing mix was skewed towards larger properties with just over half being at least 4-bed dwellings. The Strategic Housing Market Assessment (SHMA) indicated that the main need was for 3-bed properties, followed by 2- and 4-bed homes, but there was flexibility within these targets. The applicant had argued that larger dwellings were justified due to Burwell being a sought-after location for families and there being an increase in home-working and multi-generational living that required more space as well as for design reasons in respect of the layout. On balance it was considered that the housing mix would contribute to current housing needs within the locality.
- **Affordable housing provision** – 42 affordable homes were proposed in accordance with the s106 requirement on the outline permission to provide 25% affordable dwellings within the first 100 and 40% thereafter. There would be a 70:30 tenure split between affordable rent and shared ownership, and the Housing Team were content with the mix of dwelling sizes. One 3-bed housing type did not accord with the maximum occupancy requirements. The affordable housing provision was considered to comply with policy HOU3 of the Local Plan 2015.
- **Design (including highway safety and parking)** – there had been multiple iterations of the site design during the course of the application as the applicants addressed various concerns with the layout. The Local Highway Authority was now content with the street layout in terms of general access, safety and provision for waste collection and emergency services access. All maisonettes would have one allocated parking space and all other dwellings would have at least two. There would be one visitor parking space per eight dwellings which was lower than the recommended level in policy COM8 and could therefore result in additional on-street parking although it was thought unlikely that there would be any overspill parking outside the phase 1 land. The majority of buildings would be two-storey along with two bungalows and some two and a half storey buildings to create focal points or provide enclosure of larger streets and open spaces. Dwellings along Newmarket Road would now incorporate design features from existing buildings, and the proposed materials would reflect the character of Burwell. In terms of design, the application was therefore considered to comply with policies COM7, COM8, ENV1 and ENV2 of the Local Plan 2015.
- **Residential amenity** – all dwellings would be placed with sufficient distance from existing neighbours and with appropriate back-to-back distances. The construction impacts on neighbours had been addressed with conditions at the outline stage. Garden sizes were in accordance with the Design Guide requirements, except for the

maisonettes, and there was provision of open space both within the scheme and on the wider site.

- **Historic environment** – there would be a neutral impact on the nearest listed buildings and the archaeological implications had been addressed at the outline stage. The required investigations had now been completed and a condition requested regarding an interpretation board.
- **Ecology and biodiversity** – the ecological impact had been addressed at the outline stage and a scheme of specific biodiversity enhancements for phase 1 would be secured by condition.
- **Flood risk and drainage** – the outline permission required that a surface water drainage condition be discharged prior to the approval of any reserved matters applications. The Lead Local Flood Authority had indicated that they were content but formal notification had not yet been received, hence the recommendation that delegated powers be given to the Planning Manager to approve the application once that notification was in place.
- **Energy and sustainability** – the submitted Energy and Sustainability Strategy (ESS) identified a fabric-first approach and the provision of solar PV panels and air-source heat pumps. The new Building Regulations would also ensure that the development met or exceeded policy requirements.

In summary, the reserved matters application was considered to accord with the outline permission and was generally acceptable in terms of planning policies. Improvements had been made during the application process, but weaknesses remained. Specifically, the higher number of dwellings impacted achievable design quality for phase 1 and would present a challenge in delivering phase 3. The market mix was also skewed towards larger dwellings. However, on balance, the scheme was of an acceptable design and broadly complied with the Local Plan 2015, it was therefore recommended that the Planning Manager be given delegated powers for its approval.

On the invitation of the Chairman, Rebecca Smith and Georgina McCrae addressed the committee on behalf of the applicant. Ms Smith thanked the Case Officer and Place Services for working with them on phase 1 to enhance the design. The application accorded with the design framework and was supported by statutory consultees and the Parish Council. A wide range of house types were proposed for the site in terms of size and design and, at 32 dwellings per hectare, the density was both reasonable in the context of the site and would represent an efficient use of available land. The house styles were traditional and both materials and detailing were inspired by historic elements within Burwell. 42 affordable homes had been included in accordance with the outline permission. The landscape architects had designed a high-quality scheme with trees and hedging to give an attractive public realm and a positive contribution to the wider Millstone Park. Elements such as hedgehog-friendly fencing, bat and bird boxes integral to the houses, and log piles for reptiles would also be incorporated. The development would result in £1.5m of CIL and S106 payments for the Council. The applicant had

also worked with the Local Highway Authority to ensure that the main and shared-surface streets would be adoptable. Ms McCrae reiterated the thanks to Planning Officers and Place Services and emphasised that the applicant had worked with officers since the initial pre-app discussions in November 2021. She encouraged the committee to approve the application in order that building works could commence quickly and first occupancies would be in place for spring 2024 to complement the applicant's other sites within the district and county.

Responding to several questions from Cllr Trapp regarding the parking provision, Ms Smith explained that parking had been a key design consideration in the work with the urban design consultants who had been keen to avoid dominant parking in front of homes. Therefore, the majority was tandem parking next to houses although some allocated spaces for the affordable maisonettes and the mid-terrace properties would not be adjacent to the dwellings. In accordance with Part 5 of the new Buildings Regulations, each plot would have provision for an EV charging point. She also informed him that the applicant was in discussion with several registered providers for the affordable housing. Cllr Wade recognised the merits of not having cars dominating the street scene but questioned the low level of visitor parking, particularly with limited public transport. Ms Smith stated that the larger properties had good sized driveways and larger parking areas had also been planned along Newmarket Road, but conceded that within the site the parking was more likely to be along the road. However, visitor parking spaces would not be adopted by the Local Highway Authority which made them challenging to provide in terms of their ongoing ownership and management. She added that the bus stops along Newmarket Road were being upgraded as part of the wider site's planning permission.

Cllr Akinwale raised the issue of play equipment that was designed to be accessible for all, including those with disabilities, and Ms Smith explained that the play area to the north had been part of the infrastructure reserved matters approval. She also committed to checking what inclusive equipment was used on other sites. Responding to Cllr Ambrose Smith's queries about the provision of wet rooms and other disability-friendly designs, she stated that some of the market dwellings and all of the affordable housing, apart from the first-floor maisonettes, met the nationally described space standards and would therefore be adaptable. Ms McCrae added that registered providers often requested elements such as wet rooms as part of the specification for their dwellings and it was more commonly provided in the affordable homes and bungalows rather than in larger dwellings.

Cllrs Lay and Trapp asked various questions regarding the heating systems in the new homes. Ms Smith explained that some properties would have air-source heat pumps and some would use energy-efficient gas central heating. Solar photovoltaic panels would also be installed. They had been working with the infrastructure provider regarding grid capacity and there were other significant challenges regarding site-wide air-source heat pump provision due to the need to adapt house designs (for example, to include a plant room) and educating customers about how to efficiently use them. Ms McCrae added

that the wider group were also looking at revising house designs, for example by using underfloor heating rather than radiators, to facilitate future conversion from gas heating to air-source heat pumps.

When asked by Cllr Hunt about the parking and the proposed number of dwellings, Ms McCrae reminded Members that the applicant had worked hard since late 2021 and the proposal already contained 7 fewer properties than had been the basis of the land purchase. She considered that the design considerations made the proposal attractive.

The Senior Democratic Services Officer then read aloud statements from the Burwell Ward Members, Cllrs Brown and Edwards, both explaining that they could not support this application or the application to be considered by the committee immediately after this one. Cllr Edwards' statement stressed that outline permission had been granted for 350 dwellings on the whole site and the two applications before the committee represented 281 dwellings on two thirds of the site. She considered that this would be overdevelopment of the site and not in accordance with the views expressed by Burwell residents during various meetings and consultations.

Cllr Brown's detailed statement provided background to the original process by which the wider site was allocated for development in the Burwell Masterplan and emphasised that neither himself nor the majority of Burwell residents were opposed to development of the site. However, he considered that the outline permission for 350 dwellings assumed a spread across the whole site. Although the applicants had worked with officers to develop both schemes under consideration, they had only reduced their original proposals for a total of 300 dwellings to 281 rather than the 250-260 requested by officers. He urged the committee to consider whether the applications reflected the long-term vision for Burwell that had been agreed in 2013; he did not believe that they did. He was not in agreement with the applicant's justification for the housing mix being skewed towards larger dwellings rather than being in accordance with the latest Strategic Housing Market assessment, stating that there was a lack of smaller properties for local people wanting to enter the housing market or down-size without leaving the village. He also noted his concerns about insufficient visitor parking provision and that certain house types in both applications did not meet the size requirements for maximum occupancy, which he did not consider should be knowingly approved when a reduction in the total number of dwellings would enable size requirements to be met. He also acknowledged that the site access was not material to the consideration of the reserved matters applications, but restated his previously-recorded view that a roundabout should have been provided at the site entrance.

The Chairman then invited further comments from the Planning Team Leader who stated that, should delegated powers for approval be given, he would recommend an additional condition regarding the timing of returning the on-site marketing suite to its long-term intended purpose.

Cllr Lay expressed concern about the site access and the impact on Newmarket Road of the whole development and the development in Exning.

The Planning Team Leader explained that the site access and the impact of the scheme were considered and agreed at the outline stage and could not therefore be revisited at the reserved matters application. The cost of a wider cycleway link between Burwell and Exning had been shared between the two new development sites and would result in improvements to the route.

Responding to a question from Cllr Trapp, the Planning Team Leader highlighted on the site plan where the affordable housing would be located. The majority would be within the central part of the site, partly as a design consideration since they were mostly smaller units and the larger properties were located at the edges of the site. Both the Planning and Housing teams were content with the locations. He also explained that although the wider site was 27.3 hectares, not all of it was allocated for housing; the developable area was approximately 12 hectares with the remainder for sports pitches and open space. Officers did have some concerns that the land allocated for housing in each of the three phases was roughly equal yet the majority of the agreed housing had been proposed for the first two phases which was a weakness of the wider scheme. Nonetheless, in isolation, phase 1 was considered to be acceptable in terms of its design and density. Since the land for phase 3 was not within the same ownership as the first two phases it was not possible for all three to be considered together.

Cllr Huffer requested further information about the house type that did not meet maximum occupancy requirements. The Planning Team Leader explained that an affordable 3-bed design was not considered to be suitable for 6 occupants. This concern had been raised by the Housing Team and the applicants had responded that the house type could be reviewed if the issue was raised in negotiations with registered providers.

Cllr Ambrose Smith questioned wheelie bin storage provision from an aesthetic perspective and was informed that driveway and garaging provision throughout the site was good so bin storage was unlikely to be an issue. Bin collection points were also included on the site plans and had been considered by the Waste Collection teams.

Cllr Trapp commented that 1- and 2-bed properties were important for enabling young people to live near their parents, and Cllr Wade asked for further explanation about the rationale for not abiding by the recommendations of the SHMA. The Planning Team Leader explained that contradictory anecdotal evidence came from the developer that they were seeing a desire for larger properties and from the Ward Members that local people wanted smaller properties. The SHMA was the evidence-based guide but there was flexibility within it. However, he considered that the application had stretched that flexibility to its limit.

Responding to Cllr Lay's request for assurance that the entire site would be restricted to a maximum of 350 properties, the Planning Team Leader explained that the outline permission for the full site would not allow future reserved matters applications to exceed 350 properties in total. However, a full application for more houses could be made for the phase 3 land but if so then it would be brought to the committee for consideration since the initial

resolution had been for the committee to consider all applications on this site. He reminded Members that the phase 3 land was in third-party ownership.

The Chairman then opened the debate. Cllr Goodearl stated that, overall, he was in favour of development on the application site but he was concerned about the number of dwellings and the housing type that did not meet maximum occupancy requirements. He therefore proposed that the application be deferred for the applicants to address the concerns. Cllr Huffer seconded the proposal and stressed her concern about 280 dwellings being concentrated on two thirds of the site. She requested that the applicants reduce the numbers within the current application and their other phase in order that there would be an equal distribution across the three phases. She considered that the phase as presented was not in accordance with the wishes expressed in the consultations, and there were also insufficient 1 bed and 2 bed properties. Cllr Wade agreed with the comments and added that excellent applications should be approved rather than those that were only considered, on balance, to be acceptable.

Cllrs Trapp and Lay further supported the desire to spread the housing evenly across the three phases, with Cllr Trapp adding that the density appeared significantly higher than the existing housing along Newmarket Road and was therefore unsuitable for the edge of a village. He also considered that the housing mix was wrong and should include more 1-bed and 2-bed properties. Cllr Wilson asked that all three phases be considered together but was reminded that the land for phase 3 was not owned by the applicant.

Cllr Whelan agreed that the site, as proposed, was overdeveloped and also expressed concern about the level of parking provision. Although active travel was to be encouraged, the lack of public transport was likely to mean a substantial number of cars. The likelihood was that there would be parking on the sides of the roads or on pavements. Occupants of larger properties often had more than two cars and many residents were also likely to choose to park outside their homes rather than in allocated parking some distance away.

*3:30-3:40pm the meeting was briefly adjourned for the Chairman, proposer and seconder to consult with Officers.*

The Chairman invited the representatives of the applicant to address the committee for a second time in response to some of the points that had been raised during the questions and debate. Ms McCrae explained that they would have preferred to plan phase 1 with an understanding of the plans for phase 3 but information from the landowner had not been forthcoming. Nonetheless, phase 3 would be the edge of the settlement and therefore expected to be less dense, it also included the self-build plots and the sports pitches, both of which would also reduce its overall density. 32 dwellings per hectare, as proposed for phase 1, was in line with other sites in similar locations in the district. She commented that the visitor parking provision could be revisited, as could the housing type whose occupancy had been of concern. Finally, the concerns of the Ward Members had not been raised during the application process and she therefore requested additional time to address them.

Cllr Goodearl reiterated his earlier concerns about the proposed development, specifically the overdevelopment, poor housing mix, and a poor quality layout with only one entrance. He had been advised that refusal would be more appropriate than deferral since the application as presented needed to be determined. Cllr Huffer agreed with the concerns but suggested that the applicant's speech had indicated a willingness to reconsider some elements.

In order to clarify some points that had been raised, the Planning Team Leader reminded Members that the single road access to the site and the three housing land parcels had been agreed as part of the outline permission and therefore could not be changed at this stage. Additionally, the design for phase 3 could not be required as part of the decision-making for the current application and subsequent agenda item.

Ms McCrae confirmed to the Chairman that the applicant would appreciate the opportunity to reconsider the plans with Officers and Place Services in order to make amendments addressing the concerns that had been raised during the meeting.

It was resolved unanimously:

That planning application ref 22/00420/RMM be DEFERRED for the applicant to work with Officers to make amendments addressing the issues of overdevelopment, lack of sufficient 1-bed and 2-bed houses and lack of sufficient green space within the proposed development.

## **16. 22/00479/RMM – Phase 2a, Millstone Park, Land adjacent to Melton Farm, Newmarket Road, Burwell**

Dan Smith, Planning Team Leader, presented a report (Y27, previously circulated) recommending the granting of delegated powers for the Planning Manager to approve a reserved matters application regarding the layout, scale, appearance and landscaping for Phase 2a of the outline permission granted in 2019 for application 15/01175/OUM and varied under 15/01175/NMAA and 15/01175/NMAB.

Members were shown plans and aerial images illustrating the site's location on previously arable land on the edge of Burwell, north of phase 1, and with the wider development site to the south and east. Felsham Chase was to the west and the site was near to Ness Road. A site layout plan showed an area of open space in the south east corner. Elevations and CGIs of street scenes were provided together with photographs of the site. Some considerations were similar to those presented for phase 1, but would nonetheless be explained in the context of the phase 2a application.

The main considerations for the application were deemed to be:

- **Principle of development** – the wider site had been allocated for residential development under policy BUR1 of the Local Plan 2015 and had been granted outline permission for up to 350 dwellings to be built in three phases. The site access had also been determined with the

outline permission in 2018. Residential development of the site was therefore acceptable in principle.

- **Housing numbers and mix** – the proposed number of dwellings in phase 2a had been reduced from 150 to 138 during the course of the application but concerns remained regarding the balance of housing numbers across the three phases. However, the density was broadly in accordance with the outline development framework plan. Officers considered that it would be challenging, but not impossible, to deliver an acceptable scheme both within phase 2a and across the wider site. The proposed housing mix was skewed towards larger properties with 59% being at least 4-bed dwellings. The Strategic Housing Market Assessment (SHMA) indicated that the main need was for 3-bed properties, followed by 2- and 4-bed homes, but there was flexibility within these targets. The applicant had argued that larger dwellings were justified due to Burwell being a sought-after location for families and there being an increase in home-working and multi-generational living that required more space as well as for design reasons in respect of the layout. On balance it was considered that the housing mix would contribute to current housing needs within the locality.
- **Affordable housing provision** – 55 affordable homes were proposed in accordance with the s106 requirement on the outline permission to 40% affordable dwellings. There would be a 70:30 tenure split between affordable rent and shared ownership, and the Housing Team were content with the mix of dwelling sizes. One house type did not accord with the maximum occupancy requirements. The affordable housing provision was considered to comply with policy HOU3 of the Local Plan 2015.
- **Design (including highway safety and parking)** – there had been multiple iterations of the site design during the course of the application as the applicants addressed various concerns with the layout. The Local Highway Authority was now content with the street layout in terms of highway safety, access and waste collection. All maisonettes would have one allocated parking space and all other dwellings would have at least two. There would be one visitor parking space per seven dwellings which was lower than the recommended level in policy COM8 and could therefore result in additional on-street parking although it was thought unlikely that there would be any overspill parking outside the phase 2a land. The majority of buildings would be two-storey along with four bungalows at the boundary with existing development and four two and a half storey buildings to enclose the central open space. Design features from existing buildings would be incorporated on the site and the proposed materials would reflect the character of Burwell. In terms of design, the application was therefore considered to comply with policies COM7, COM8, ENV1 and ENV2 of the Local Plan 2015.
- **Other matters** – as with phase 1, matters relating to residential amenity, historic environment, ecology and biodiversity, flood risk and drainage, and energy and sustainability were all considered to be acceptable subject to appropriate conditions where necessary.

In summary, the reserved matters application was considered to accord with the outline permission and was generally acceptable in terms of planning policies. Improvements had been made during the application process, but weaknesses remained. Specifically, the higher number of dwellings impacted achievable design quality for phase 2a and would present a challenge in delivering phase 3. The market mix was also skewed towards larger dwellings. However, on balance, the scheme was of an acceptable design and broadly complied with the Local Plan 2015, it was therefore recommended that the Planning Manager be given delegated powers for its approval.

On the invitation of the Chairman, Hannah Short addressed the committee on behalf of the applicant. She stressed the positive collaboration with Officers and Place Services in developing the proposal and stated that Place Services were now happy to support the plans from an urban design perspective. The application was in accordance with the outline permission and was mostly policy-compliant. The total number of parking spaces exceeded required standards, although the visitor parking provision was comparatively low. 83 of the properties would be market housing and 55 would be affordable housing. The statutory consultees and the Parish Council had not objected to the application. Four bungalows would be provided and would be appropriate for adaptation if needed. The site's density of 32 dwellings per hectare was comparable with Felsham Chase to the west. Historic design features from within the village would be incorporated into the design and the landscaping would complement the wider scheme. Green corridor pedestrian routes would be provided together with bird and bat boxes and hedgehog-friendly fencing. If approved, first occupancies would be expected in the late spring of 2024.

Cllr Wade questioned the comment about the scheme being "broadly in line" with parking requirements and Ms Short explained that all properties had at least the minimum required parking allocation, with many having higher allocations such as 4-bed properties with 4 parking spaces. Although the number of visitor spaces was low, the overall provision on the site was high. She also confirmed that the affordable homes had fewer parking spaces, but clarified that they were smaller properties and reiterated that all properties benefitted from at least the minimum requirement.

The Chairman reminded Members that the Ward Councillor statements that had been read aloud for the previous application applied equally to the current application. There was general agreement that they did not need to be repeated.

The Chairman then invited further comments from the Planning Team Leader who stated that, as with the previous item, if delegated powers for approval were granted then he would recommend an additional condition regarding the timing of returning the on-site marketing suite to its long-term intended purpose.

Cllr Trapp asked about the timing of delivery of the cycle route between Exning and Burwell, the standard to which it would be built, and whether the

cycleway would continue through the site to access Ness Road. He additionally asked about the adoption of site roads and the provisions for waste collection. The Planning Team Leader explained that provision of the Burwell to Exning cycleway had been secured at the outline stage and the s106 agreement included the trigger for when contributions had to be made by This Land (the owners of the wider development). The cycleway would then be delivered by Suffolk County Council to a specification that had been agreed between Suffolk and Cambridgeshire County Councils. The outline permission had also included a condition to provide a link to Ness Road in the top left corner of the development. Regarding adoption of the site roads, the majority would be of adoptable standard although shared driveway areas would not and the Waste Collection team were satisfied with the proposals.

Cllr Horgan queried information within the NHS comments on page 18 of the report and was informed that although the consultation responses were automatically included in full, elements such as contributions towards GP facilities needed to be secured with outline permission and were therefore not relevant to reserved matters.

Responding to a request from Cllr Huffer for the relative sizes of phases 1 and 2a, the Planning Team Leader stated that phase 1 occupied 4.8 hectares and phase 2a was slightly larger at 5.25 hectares.

Cllr Wade examined the housing mix within the market properties and the affordable housing and commented that the deviation from the SHMA was greater than it had been in phase 1. The Planning Team Leader agreed that the proportion of 4- and 5-bed market properties was higher than in phase 1 but for the affordable dwellings the key issue was whether it complied with the s106 agreement from the outline permission.

Cllr Lay expressed concern with the total number of dwellings proposed for phases 1 and 2a in comparison with the maximum number agreed for the wider site. He questioned how the density could be considered reasonable and how phase 3 would be addressed. The Planning Manager explained that Officers judged the proposed density by comparison with existing surrounding development and considered that phases 1 and 2a were acceptable in that regard. They did however recognise that across the wider site the density would be distorted. He also added that although the original application had been for 350 houses that did not mean that there could not be a future application for more. Cllr Goodearl disagreed that the site density appeared comparable to the adjoining existing development.

Responding to a question from Cllr Akinwale regarding local school provision for the proposed development, the Planning Team Leader explained that the site was allocated in the Local Plan 2015 and the local infrastructure had been considered at the outline stage. Additionally, the scheme did not exceed the numbers that had been agreed at outline. Cllr Wilson noted that some houses appeared to be a significant distance from green space and play areas. The Planning Team Leader showed on the site plan where the play area and open space would be and explained that there would be a trim trail on land to the north of phase 2a as part of an infrastructure reserved matters approval.

The Chairman then opened the debate. Cllr Lay reiterated concerns about the number of dwellings proposed for the first two phases. Cllr Trapp considered that phase 2a was overdeveloped but was less harmful to the village site because it did not have the Newmarket Road frontage. He also referenced Cllr Whelan's comments regarding the parking provision in phase 1 and highlighted that roads became blocked by on-street parking. The lack of parking adjacent to some homes was therefore a flaw in the parking design for phase 2a. Cllr Hunt also stated his agreement with Cllr Whelan's earlier comments.

Cllr Huffer stressed the importance of approving exemplary schemes that everyone could be proud of and would be pleasant places to live. She stated that, as with phase 1, the application represented overdevelopment of the site. She was also concerned about the level of open space within phase 2a, and without plans for phase 3 the level of green space in that phase could not be assumed. Cllr Ambrose Smith queried whether phase 2a could be implemented since phase 1 had now been deferred.

The Planning Team Leader reminded Members to consider the application as presented, and that the phases could be determined individually despite being part of a wider scheme. He also confirmed to Cllr Horgan that the affordable housing locations were acceptable to the Housing Team and, in general, the smaller units tended to be in higher density areas of the site.

Cllr Lay proposed that the application be deferred for the applicants to consider the concerns that had been raised regarding the housing mix, overdevelopment, parking, layout and green space. Cllr Wade seconded the proposal and commented on the challenges of on-street parking for those with prams or mobility issues. Cllr Ambrose Smith also expressed her support for the proposal.

The Chairman sought and received confirmation from the applicant that they would be willing to agree to a deferral.

It was resolved unanimously:

That planning application ref 22/00479/RMM be DEFERRED for the applicant to work with Officers to make amendments addressing the issues of overdevelopment, poor housing mix, parking, poor quality layout and lack of sufficient green space within the proposed development

#### **17. 22/00545/FUL – Crow Hall Farm, site north of 20 Northfield Road, Soham**

Holly Chapman, Senior Planning Officer, presented a report (Y28, previously circulated) recommending refusal of an application seeking permission for the erection of a single-storey dwelling, of a pre-fabricated off-site construction, outside the development envelope of Soham and within the hamlet of Broad Hill.

Members were shown aerial images and site photographs illustrating the site's rural location north of Soham. A site plan, floor plan and elevations were also provided for the proposed 4-bed bungalow.

The main considerations for the application were deemed to be:

- **Principle of development** – the principle of development in this location was contrary to policy GROWTH2 of the Local Plan 2015, which was considered to be up to date for the purposes of this application, and there were no material considerations to warrant departure from the Plan. Self-build and passive house arguments carried limited weight and the design of the development did not meet the “exceptional quality” or “high standards of architecture” in the NPPF to allow isolated homes in the countryside. There was no extant fall-back position and the previous consent had been granted by the committee, against officer recommendation, when the Council could not demonstrate a 5-year land supply. The previous consent had lapsed in March 2023
- **Residential amenity** – a previous Noise Impact Assessment submitted by the applicant had concluded that there would be a noise impact from the drying fans at Northfield Farm. In the previous consent this had been overcome through the fenestration arrangements but all of the bedroom windows faced the farm and drying fans in the current proposal. The applicant had addressed the concerns by proposing a dwelling with passive house principles that would remove the need to open windows for ventilation. A significant period of time had elapsed, during which the previous permission expired, while the applicant provided evidence of this. It was now accepted that the noise concerns would be successfully addressed if the dwelling was constructed in accordance with the agreed details.
- **Visual amenity and heritage** – the proposed dwelling was considered to be a sympathetic addition to the street scene and within the context of what had previously been approved for the site. However, it was not considered to be of exceptional design or quality, as would be required by paragraph 80 of the NPPF to justify approval of an isolated home in the countryside.
- **Other material matters** – the proposed development was considered to be acceptable in terms of highway safety, drainage and flooding, contamination and pollution, and biodiversity and ecology.

In summary, there was an in-principle objection to development at this location with no material considerations of sufficient weight to outweigh the harm that would arise from the policy conflict. The proposed development was therefore considered to represent unsustainable development and was recommended for refusal.

On the invitation of the Chairman, the applicant Alan White addressed the committee. He highlighted that although the site was outside the development envelope it was part of a sporadic cluster of other homes and buildings. The recent appeal decision for a site at Broad Piece had determined policy GROWTH2 to be out of date in that location and, although

the application site was further from the town centre, he considered that residents of the Broad Piece development would be most likely to also drive to the town's facilities. Approval of his application would enable him to live within walking distance of this workplace. The building was superior in every way to the previously-approved dwelling on the site and would be exemplary in terms of its energy efficiency since it would be built to passive-house standards. He referenced a 2017 court judgement in Kent concerning extant or recently-expired permissions being a material consideration, and highlighted that he was on the self-build register which was also a material consideration. He urged the committee to approve the application since there had previously been approval for an inferior dwelling on the site and there were material considerations that would justify approval despite the site's location outside the development envelope.

Responding to questions from Cllrs Ambrose Smith, Horgan and Wilson about the timeline for the current application and the expiry of the previous permission, the applicant explained that personal circumstances had prevented him from starting construction of the approved application before its expiry in March 2023. He had previously lived in the farmhouse to the west of the site but now lived in a caravan near the application site. There had been no pre-application discussions for the current application but he stressed that he understood the Building Control information that Planning had received within the last few weeks had actually been transferred in late 2022.

Cllrs Horgan and Trapp asked about the house design, particularly its passive house credentials. The applicant explained that certification as a passive house would be very expensive but the necessary standards were internationally known and the proposed dwelling would meet or exceed them. Although the external appearance of the house was similar to others nearby, the block style was important for managing the heating and it would be a technically excellent house. For longevity of use, the dwelling was all on one level and the door widths and turning areas within the bathrooms were all suitable for wheelchair use. The nature of the building design also meant that the construction time would be short. In response to queries from Cllr Huffer, he explained that he had not looked for other self-build sites since that would defeat the purpose of building a home at his workplace, and he would also not be able to afford to purchase a new site and construct the dwelling. He had not applied for rural dwelling status since that would create problems if he needed to sell the site in future, but he stressed that he had lived there his whole life.

The Senior Democratic Services Officer read aloud a statement from Cllr Goldsack, Ward Member for Soham North, expressing his support for the application. He considered that the passive house standards of the property should be applauded and that overall the proposal was pushing boundaries in terms of design and conformity in order to provide the best long-term property that technology could provide.

The Chairman invited further comments from the Senior Planning Officer and questions for her from Committee Members. Addressing several points that had been raised, the Senior Planning Officer explained that:

- the previous permission for a dwelling on the site had been granted when the Council could not demonstrate a 5-year land supply. Although the previous Planning history was a material consideration, it was also important to look at the policy context and, as the Council was now able to demonstrate a good land supply, that had changed since the previous permission was granted. Implementation of a prior consent was therefore imperative and applicants could not assume that a subsequent application for a site would be granted.
- the requirement for delivery of a passive house standard was due to the noise considerations; Officers had recommended physical changes such as a re-orientation of the building and alterations to the windows, but the applicant had chosen to address noise concerns by implementing a passive house design so that windows would not need to be opened for ventilation purposes.
- although the applicant was on the self-build register there had been no demonstration that other self-build sites would not be suitable.
- Any application for rural worker dwelling status would be due to convenience rather than need and would therefore be unlikely to pass the test.

Cllrs Lay and Horgan asked about the implications of the passive house design and whether certification would alter the Officers' views. The Senior Planning Officer and the Planning Manager explained that a passive house standard did not, of itself, warrant approval of an application; as an isolated house its design would need to be exceptional and the proposal did not meet that requirement. The NPPF, and relevant appeal decisions, set a very high bar for exceptional design although there was no specific guidance or definition of "exceptional" since it would be site-specific. Nonetheless, a very comprehensive exceptional scheme would be needed to meet the criteria.

The Senior Planning Officer confirmed to Cllr Wade that all planning permissions belonged to the site rather than to the individual, therefore the noise concerns had to be addressed irrespective of the applicant's personal degree of comfort with the noise levels. The noise concerns had been raised by the applicant's own noise impact assessment and attempts to find an acceptable solution had been the main reason for the time taken to determine the application. She also confirmed to Cllr Trapp that an applicant's personal circumstances could not be considered since the permission was for the land, not the applicant.

*5:20pm Cllr Goodearl briefly left the Chamber.*

Cllr Huffer asked for, and received, confirmation that if the applicant had started construction of the previously-approved application then the current situation would not have arisen.

*5:22pm Cllr Goodearl returned to the Chamber.*

Responding to the applicant's comment from the public gallery that drainage trenches had been dug, the Senior Planning Officer explained that the trenching was not within the application site and therefore the permission had technically not been implemented.

Cllr Trapp asked for details of the site's Planning history and Cllr Wilson questioned whether there was a procedure in place to highlight to applicants the imminent expiry of a planning permission. The Senior Planning Officer explained that outline permission had been granted for 3 years in April 2017 and had benefitted from an automatic extension due to the Covid-19 pandemic. A reserved matters application had been approved in March 2021, just before the outline permission expired, and applicants had 2 years in which to commence work. The reserved matters permission had expired in March 2023 and it was the responsibility of each applicant to be aware of the expiry dates which were clearly identified on each decision notice.

The Chairman then opened the debate. Cllr Huffer, whilst sympathetic to the applicant's circumstances, stressed the importance of consistent decision-making and proposed that the Officer's recommendation for refusal should be supported since the site lay outside the development envelope and was not exceptional so did not warrant approval against policy GROWTH2. Cllr Hunt seconded the proposal and added that the Council had worked hard to protect the development envelopes and control development within the District. Cllr Wilson considered it to be unfortunate that the applicant had not taken advantage of the previous permission, granted when the Council could not evidence a suitable land supply and subsequently extended due to the pandemic, but emphasised that the Planning Committee's duty was to look after the land and they therefore needed to follow the Council's Planning policies. The site was outside the development envelope and therefore the rules were clear that it could not be approved.

Cllr Ambrose Smith recognised that the site lay outside the development envelope but considered that there was a community within the vicinity of the site. Cllrs Trapp, Wade and Horgan explored the potential for the application to be considered as an exceptional design that would be suitable for approval. To assist the deliberations, the Planning Manager read aloud paragraph 80 of the NPPF July 2021 regarding exceptions for isolated homes in the countryside, in particular criterion e "the design is of exceptional quality, in that it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area." He explained to Cllr Wade that "architecture" in this context was mainly concerned with visual appearance rather than the sustainable elements, and Officers did consider the holistic design and were of the view that it did not meet the requirements that had been read aloud. Cllr Horgan emphasised that the NPPF allowed exceptional design in rural locations, but didn't specify what would constitute "exceptional" nor were visual elements specified. In his view, the passive house credentials and overall design met the definition of exceptional and he also questioned whether the site could be considered to be isolated since there were other

nearby properties. Cllr Trapp considered that the external appearance was standard but the internal design and environmental credentials were excellent and therefore, on balance, he favoured approval due to there having been a previous permission for the site which had expired during the course of the current application whilst waiting for information from Building Control.

Cllr Lay considered that a judgement call was required since there was no decisive evidence in favour of the applicant's position. Should the application be refused, as recommended by the Case Officer, the applicant could appeal against the decision if they chose to.

It was resolved with 6 votes in favour, 5 votes against and 0 abstentions:

That planning application ref 22/00545/FUL be REFUSED for the reason detailed in paragraph 1.1 of the Officer's report.

*5:50-5:59pm the meeting was briefly adjourned for a comfort break.*

## **18. 22/01229/FUL – site to the east of 38a Chapel Lane, Wicken**

Holly Chapman, Senior Planning Officer, presented a report (Y29, previously circulated) recommending approval of an application seeking permission for the erection of two detached dwellings with car-ports and associated works including the provision of off-street parking, and hard and soft landscaping works along Chapel Lane in Wicken.

Members were shown aerial views of the site's location at the northern edge of Wicken and between two other small development sites, as well as photographs of the adjacent new development of eight dwellings. A site layout was provided together with CGIs of the proposed street scene. Various site photographs and views along Chapel Lane including the existing access point to the site were also presented.

The main considerations for the application were deemed to be:

- **Principle of development** – the proposal was contrary to policy GROWTH 2 of the Local Plan 2015 since it was technically located within the countryside. However, the change in the character of the area, as a result of consented development, resulted in a material consideration of significant enough weight to warrant a departure from the Local Plan 2015. Both neighbouring developments were permitted during a time when the Council could not demonstrate a 5-year land supply. Additionally, the modest scale of the development could be considered to enhance or maintain the vitality of a rural community. The proposed development was therefore considered acceptable in terms of principle of development in this particular instance.
- **Visual amenity and heritage** – the character of properties along Chapel Lane was mixed and the proposed dwellings sought to emulate the development of eight dwellings that had been approved to the east. The appearance, layout, scale and landscaping were considered to be acceptable within the context of the site.

- **Trees, landscaping, biodiversity and ecology** – the proposed development would result in the loss of six trees and one landscape feature (dense undergrowth). However, seven replacement trees, hedge planting to the road frontage, and biodiversity enhancement features would be implemented. A Preliminary Ecological Assessment (PEA) was submitted with the application, which concluded that the site was a small area of land with relatively low ecological value, and the development would not result in any significant disturbance of protected species.
- **Other matters** – in terms of residential amenity, highway safety, drainage and flooding, contamination and pollution, climate change, energy efficiency and sustainability the proposal complied with the policies of the Local Plan 2015 and the NPPF.

In summary, although the application site and proposal would not form one of the exceptions of GROWTH 2, the change in character of the area amounted to a material consideration of sufficient weight to justify a decision at variance with the Development Plan. Two dwellings within the location would not significantly alter the character of the area and the site was considered to be a sustainable location in respect to its proximity and access to Wicken and the services provided. It would also provide a modest contribution to support the vitality of the rural community. The application was therefore recommended for approval.

On the invitation of the Chairman, Parish Cllr Liz Houghton, Chairman of Wicken Parish Council, addressed the committee. She stressed the Parish Council's strong opposition to the application. The proposed development was not of exceptional design and was positioned outside the development envelope. It would represent overdevelopment of a small pocket of land and the Parish Council did not consider that approval of neighbouring developments (during a period when the 5-year land supply could not be demonstrated) warranted approval of this additional development. She emphasised the need to protect the unique character of the village, and respect the Local Plan 2015. The development was not in keeping with the design of the surrounding cottages or the bungalows under construction and comprised two relatively large buildings on a small site. There was no need for new 4-bed dwellings in the village. Felling six trees and a hedge was not consistent with biodiversity policy and there was no evidence that this would result in a net gain for biodiversity. In summary, the Parish Council considered that the proposal was not acceptable in terms of the principle of development, residential amenity, design, and biodiversity, and she urged Members to abide by the Local Plan 2015.

In response to Cllr Trapp's question regarding whether the Parish Council would be satisfied if the application was for smaller dwellings, the Chairman of Wicken Parish Council explained that there was demand in the village for smaller market homes but only two shared ownership and one market 2-bed dwellings had been built in recent years. Cllr Huffer questioned whether two small properties would justify the loss of the trees and hedgerow, but Parish

Cllr Houghton stated that it had not been discussed by the Parish Council and she was therefore unable to comment.

Cllr Wade received confirmation that Wicken Parish Council did not have a neighbourhood plan, it was the District's Local Plan 2015 policies to which they referred when reviewing planning applications. Cllr Ambrose Smith questioned the condition of the trees on the site, and it was clarified that neither the trees nor the wider site had been well maintained. Cllr Hunt queried the rural services in Wicken and Parish Cllr Houghton confirmed that there was one bus per week, no shops, and the Fen with its coffee shop. Most residents heavily relied on driving to Soham or using the byway to cycle there.

The Chairman invited Cllr Lucius Vellacott to address the committee as the Ward Councillor. Cllr Vellacott explained that he was attending in order to represent residents' views and he thanked the case officer for her time discussing the application with him. He had concerns that the development was outside the development envelope and there had already been a number of developments along Chapel Lane. The proposal was dissimilar to the adjacent eight dwellings and in any case was outside the development envelope. He asked Members to consider policies ENV 1 and ENV 2 of the Local Plan 2015, and the views of the Parish Council. This proposed development would be a deviation from the Local Plan with no material need for housing in that location and there was significant local concern.

There were no questions for Cllr Vellacott.

The Senior Planning Officer was invited to make any points of clarification. She referred to paragraph 7.12 of her report and explained that there was no evidence to suggest purposeful subdivision of the site in order to not trigger the requirements for affordable housing or housing mix in policies HOU 1 and HOU 3 for sites of 10 or more dwellings. It was therefore not possible to specify smaller dwellings except on visual grounds (or if required by a Neighbourhood Plan). She remarked that the loss of trees on the site had been covered in the report. Finally, she advised Members that she had made a local planning judgement specific to this small site which was now fully surrounded by development rather than countryside, her assessment was therefore based on the reality of the site's new environment.

The Chairman invited questions for the Senior Planning Officer. Cllr Trapp received clarification that the site area was 0.16 acres / 640 square metres. Responding to questions from Cllrs Trapp and Goodearl, she explained that although the adjacent site for eight dwellings was owned by the same developer, they were not within the same red line and had different access points. Based on this, and on case law, she had concluded that there was no evidence of purposeful subdivision to avoid triggering the requirements of developments with 10+ dwellings.

Cllr Wade asked for clarification on why the development was recommended for approval when it did not comply with policy GROWTH 2. The Senior Planning Officer explained that in this instance there were material

considerations that warranted departure from the Local Plan 2015. Specifically, there had been a change to the character of the area. Cllr Ambrose Smith received confirmation that the site was CIL liable, but there were exemptions so she could not confirm whether it was CIL payable or whether the Parish Council would benefit from it.

Cllr Hunt received acknowledgement that the lack of amenities, as described by the Parish Council Chairman, had been considered in the report and in reaching the recommendation for approval.

The Chairman opened the debate. Cllr Wilson emphasised that the proposed development was outside the development envelope, new 4-bed houses were not required in Wicken, and the design was not exceptional. He therefore proposed that the application be refused, contrary to the Officer's recommendation. Cllr Huffer seconded the proposal due to overdevelopment, stating that the loss of six trees and biodiversity on the site would be unacceptable and it was also important to be consistent with applications that were positioned outside the development envelope.

Cllr Hunt understood Wicken's need for 2-bed housing, and the importance of providing homes for the local people of Wicken. From the site visit, he considered that the development would change the character of the area, and agreed with Cllr Huffer about the damage that would be caused by the loss of trees. He was also concerned about the site being outside the development envelope. Cllrs Goodearl, and Trapp added their agreement to the comments already made.

Cllr Ambrose Smith commented that with an increase in home working, 4-bed houses were often, in effect, 2-bed homes once work space was accounted for.

There being no further comments from Members, the Planning Manager assisted the proposer and seconder in drafting the wording of the refusal reasons in their motion.

It was resolved with 10 votes in favour, 0 votes against and 1 abstention:

That planning application ref 22/01229/FUL be REFUSED on the following grounds:

- i) that the site is outside the development envelope and is neither an allocated site nor an affordable housing exception site or other exception and therefore fails to comply with policy GROWTH2 of the Local Plan 2015, and that there were no other material considerations that would warrant a departure from the Local Plan;
- ii) that the development would cause the loss of and damage to existing and well-established landscape features which would be detrimental to the character and appearance of the area and

therefore in conflict with policies ENV1, ENV2 and ENV7 of the Local Plan 2015 and the Natural Environment SPD 2020.

## 19. 23/00483/FUL – 135 The Butts, Soham

Lisa Moden, Planning Officer, presented a report (Y30, previously circulated) recommending refusal of an application seeking part-retrospective permission for the erection of a domestic outbuilding along with associated works.

A location plan and aerial views were shown to Members depicting the site situated to the south of Soham, with Cherrytree Lane to the east of the site and The Butts to the north and west. The application was part-retrospective as the frame had already been built, as depicted in the site plans, elevations and photographs that were shown.

The main considerations for the application were deemed to be:

- **Impact on the character and appearance of the area** – the proposed development would be excessive in scale (ridge height of 4.8m, eaves height of 3.8m and floor area of 85 square metres) and should not compete with the host dwelling. The proposal lacked architectural design in order to create a high quality and beautiful building. The proposed external green box profiling sheeting was inappropriate for a domestic outbuilding. The proposal failed to visually protect or enhance the character and appearance of the surrounding area, and the openness of the countryside. The proposed development was therefore considered to be contrary to the objectives of policies ENV 1 and ENV 2 of the Local Plan 2015, the Design Guide SPD and the NPPF.
- **Impact on nearby occupiers** – given the location of the application site, the proposal would result in no over-looking or loss of privacy, would have no adverse impact in regards to over-shadowing or over-bearing, and was considered to comply with the relevant policies. It would therefore cause no significant harm to neighbours.
- **Other matters** – the application was considered to comply with the relevant policies relating to Highway safety, parking, and trees

The Planning Officer advised Members that in paragraph 7.2.4 of the report, the more recent application 22/00123/FUL should be referenced and a further comment had been received from a neighbour earlier in the day now in support of the application. Both of these updates had not impacted the recommendation for refusal.

In summary, the application was recommended for refusal due to the excessive scale of the outbuilding in relation to the host dwelling and surrounding buildings, the inappropriate materials for a building within a residential curtilage, the prominent location close to public rights of way, and its inharmonious prominence in the wider countryside.

The Chairman invited the applicant's agent, Antony Smith, to address the committee. The agent referred to the fact that the application had been called in by Cllr Bovington who considered that it would have minimal visual impact and should therefore be approved. He also remarked that the neighbours'

concerns had been resolved and they were now in support of the application. There had previously been a double garage between the two properties which had now been removed leaving better views of the willow tree and reducing the massed appearance of the street scene. By placing the structure in the far-left hand corner of the site, the proposal would not affect the street scene, willow tree, or neighbours. There was a cluster of outbuildings on the neighbouring property to the east and further along the road was an identical building to the proposal that was highly visible from the public highway. He considered that it would not be out of character and related to the rural setting. The outbuilding would be used to store the client's motor home for improved security. Upon being notified of the need for planning permission his client had followed the correct procedures to ensure that the building would be lawful. There were no objections from the Parish Council, neighbours, or Tree Officer and the applicant would be willing to supply a soft landscaping scheme by condition.

Responding to queries from Cllr Whelan and Horgan regarding the reasons behind the height and size of the outbuilding, the Agent confirmed that the frame needed to accommodate the height of the motor home and, as a prefabricated building, it was available in fixed sizes.

The applicant's agent confirmed to Cllr Hunt that the applicant had stopped work on the site when contacted by the enforcement team, but he was unclear how long the frame had been in place for.

Cllr Lucius Vellacott was invited by the Chairman to address the committee as the Ward Councillor. Cllr Vellacott thanked Officers for their time to discuss the application with him before the committee meeting. He asked the committee to approve the application, perhaps with conditions to mitigate the concerns and suggested that determination of the application would be down to the committee's interpretation of the structure's impact on the countryside. Cllr Vellacott then commented on the three reasons the Officer had provided for refusal. Regarding the scale of the structure, he felt it was large but not excessive, and in any case, it would be the host dwelling that would be most impacted. However, he suggested imposing a condition for improvement at the boundary with 135a to improve the visual impact and privacy. The second refusal reason was the inappropriate materials used. He suggested that, if the committee agreed, they could add a condition for the applicant to use an alternative, but thought the material proposed was safe and was a satisfactory colour. And lastly the third refusal reason, the prominent location, there were few neighbouring properties, and public access near the site was infrequent despite being a public byway. He asked the committee to mitigate the Officer's concerns rather than to refuse the application.

Responding to concerns from Cllrs Ambrose Smith, Hunt, and Trapp regarding the height of the outbuilding, Cllr Vellacott explained that the height was to store the client's motor home, and because the application was part-retrospective and the framework already existed, they could not readily lower the height of the outbuilding. He also stressed that the applicant's personal

circumstances and the reasons for the building size were not material considerations.

The Planning Officer provided additional clarification to the committee. She reiterated that there were no neighbour concerns regarding residential amenity and this was not proposed as a reason for refusal. Consideration had been given to the character and appearance of the area, as well as the street scene, surrounding area and the site's location on the fringe of Soham in an area very open to the countryside. The Design Guide SDP stated that wherever possible, an outbuilding should be constructed within Permitted Development Rights. Where a larger building was required, criteria such as design, size and location should be considered and it should not compete with the main dwelling. The proposed outbuilding was large, and would outweigh and compete with the host dwelling.

The Planning Officer confirmed to Cllr Ambrose Smith that the applicant had not provided the dimensions of the motor home, and did not state a reason for the outbuilding on the application.

Responding to Cllr Wade's query regarding what it meant to compete with the host dwelling, it was confirmed by the Planning Officer that this was a residential householder application and, once outside permitted development, every aspect of such a proposal needed to be assessed, including its relationship with the host dwelling. The design criteria stated that the visual appearance and character of an outbuilding should not be overbearing; in this case the host dwelling was a single storey bungalow and smaller than the outbuilding.

As a result of Cllr Trapp's concerns for the impact of the outbuilding, which he considered to look very out place in its setting, the applicant's agent (with the Chairman's permission) gave the committee photographs of a completed outbuilding further along the road, between two dwellings, to which the applicant had matched the size and materials.

*7:06-7:08pm the meeting briefly adjourned, during which time Members viewed the photographs.*

Cllr Wilson commented on how the outbuilding looked industrial and was much taller than the bungalow, and asked for clarification as to which elements were unacceptable to the Planning Officer. She explained that the mass and scale of the outbuilding were not in keeping with the host dwelling or what should be expected within a residential curtilage. The outbuilding in the agent's images had its own separate access and was outside the residential curtilage.

The Chairman then opened the debate. Cllr Huffer emphasised that the outbuilding looked agricultural, and its use was irrelevant in making a decision on the proposal. The outbuilding would be visible from the footpath and the countryside, and it was too large. She therefore proposed that the Officer's recommendation to refuse the application should be accepted. Cllr Goodearl seconded the proposal and agreed that the outbuilding was much too large

and would be out of character for the dwelling and the surrounding area. Cllr Trapp also criticised the size of the outbuilding.

Cllr Ambrose Smith questioned the concerns about the size and materials given the countryside location.

It was resolved with 7 votes in favour, 1 vote against and 3 abstentions:

That planning application ref 23/00483/FUL be REFUSED for the reason detailed in paragraph 1.1 of the Officer's report

## **20. Planning performance reports – May and June 2023**

Simon Ellis, Planning Manager, presented two reports (Y31 and Y32, previously circulated) summarising the performance of the Planning Department in May and June 2023. He agreed to add to future reports figures regarding the number of approved applications that had lapsed.

It was resolved unanimously:

That the Planning Performance Reports for May and June 2023 be noted.

The meeting concluded at 7:20pm.

Chairman.....

Date.....