



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held at 1:00pm on Wednesday 7<sup>th</sup> July 2021 at The Hive Leisure Centre, Ely, CB6 2FE.

### **PRESENT**

Cllr Bill Hunt (Chairman)  
Cllr Christine Ambrose Smith  
Cllr David Brown  
Cllr Matthew Downey  
Cllr Julia Huffer (Substitute for Cllr Lis Every)  
Cllr Alec Jones (*from Agenda Item 6 / Minute 23 onwards*)  
Cllr Lisa Stubbs (Vice Chairman)  
Cllr Gareth Wilson

### **OFFICERS**

Rebecca Saunt – Planning Manager  
Maggie Camp – Legal Services Manager  
Emma Barral – Planning Officer  
Tracy Couper – Democratic Services Manager  
Caroline Evans – Democratic Services Officer  
Toni Hylton – Senior Planning Officer  
Andrew Phillips – Planning Team Leader  
Dan Smith – Senior Planning Officer  
Angela Tyrrell – Senior Legal Assistant  
Russell Wignall – Legal Assistant

### **IN ATTENDANCE**

Justin Bainton (Applicant's Agent, Agenda Item 6 / Minute 23)  
Cllr Lorna Dupré (Ward Councillor, Agenda Item 7 / Minute 24)  
Ian Gowler (Applicant's Agent, Agenda Item 7 / Minute 24)  
Sarah Mills (Objector's Agent, Agenda Item 5 / Minute 22)  
Dan Nye (Applicant, Agenda Item 5 / Minute 22)  
Greg Saberton (Applicant's Agent, Agenda Item 8 / Minute 25)

8 Members of the Public

## **18. APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Cllr Sue Austen, Cllr Lavinia Edwards, Cllr Lis Every and Cllr John Trapp. Cllr Julia Huffer was substituting for Cllr Every.

The Committee were advised that Cllr Alec Jones would be arriving late due to unavoidable circumstances.

## **19. DECLARATIONS OF INTEREST**

No declarations of interest were made.

## **20. MINUTES**

The Committee received the Minutes of the meeting held on 2<sup>nd</sup> June 2021.

It was resolved:

That the Minutes of the Planning Committee meeting held on 2<sup>nd</sup> June 2021 be confirmed as a correct record and be signed by the Chairman.

**21. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman asked everyone to be patient with the COVID-related protocols, such as sanitising the presentation tables between speakers, and reminded all participants to turn their microphone on before speaking. He drew attention to the new front page for each planning application agenda item and explained that it included a web link and a QR code, both of which enabled easy viewing of all the documents associated with the application. Finally, he stated that the August meeting of the Planning Committee would again be held at The Hive and that venue decisions for September onwards would be taken in due course.

**22. 20/00536/FUM – GREEN ACRES, STRAIGHT FURLONG, PYMOOR, ELY**

Toni Hylton, Senior Planning Officer, presented a report (W33, previously circulated) recommending approval of an application seeking permission for the erection of a seed research and development greenhouse, with water storage tanks and pump house.

The Officer highlighted a correction in the paragraph with the heading of Natural England on page 10 of the report; the quote should start “Your...” rather than “our...”. She then summarised the various pieces of correspondence or information that had been sent to Members since the publication of the report:

- a) A letter from Rt Hon Stephen Barclay MP and subsequent email from him clarifying that he could not intervene in a planning application but requesting that the concerns of two of his constituents (the neighbours of the application site) be taken into account.
- b) CN Seeds website / promotional material.
- c) A copy of all the correspondence received from a local resident during the course of the application, which were summarised in the report, and had included concerns about the principle of development, the character of the area, the harm to residential amenity of neighbours, the impact on highway safety/network, ecology, surface water flooding and the lack of water in dry months. The neighbour was concerned that the summary of their comments in the report was too brief and that the Case Officer was biased.
- d) Several documents from the same local resident, received after publication of the report, responding to the Local Highways Authority report, the British Society of Plant Breeders (BSPB) briefing, and the letter from the local MP. A further email had been received after the 48h pre-meeting deadline and therefore had not been presented.

Members were shown various images including location plans, site photos, block plans and elevations. The site was located outside the development envelope for Little Downham and Pymoor and formed part of the Green Acres farm, with access from the B1411. Details were also given of an outstanding application (ref: 21/00296/FUL) for the retention of a straw barn adjacent to the proposed greenhouse. The partially-constructed straw barn had been built to a height of

13.4m, rather than the 12m height agreed in 2018, hence retrospective planning permission had been applied for and had not yet been determined.

The main considerations for the application were deemed to be:

- **Principle of development** – Policy GROWTH2 permitted business developments in the open countryside if they met the criteria of policies EMP2 and EMP3, or if the development was for agricultural, horticultural or equine use. The proposal does not fit neatly with one policy, but a mix of policies EMP2 and EMP3. The proposed greenhouse for seed research and development would work with the agricultural industry and support its growth. The proposed development was therefore considered to comply with policy GROWTH2 of the Local Plan 2015. It would be an extension of an existing business (based at 18 Main Street, Pymoor), would not harm existing buildings since it was primarily an open field and was positioned more than 100m from the nearest residential property, and would result in a limited increase in traffic. The proposal was therefore considered to meet the objectives of policy EMP2 of the Local Plan 2015. There were no equivalent suitable buildings within the settlement, it was 173m from the settlement boundary, and it would not significantly increase local traffic. The proposal was therefore considered to meet the criteria set in policy EMP3.
- **Use** – The research and development nature of the proposed use would fall under class E (g) (ii) of the amended Use Classes Order. This would enable future conversion of the building without planning consent to a range of uses, such as a medical facility or retail, which would not be considered acceptable in the site's location. It was considered that, with a restrictive use condition to prevent use outside agriculture, horticulture or Class E (g) (i) without planning consent, the proposal would comply with policies EMP2, EMP3, ENV1 and ENV2 of the Local Plan 2015.
- **Highway safety** – The existing access from a straight road with no interruptions did not give rise to highway safety concerns from the Local Highways Authority. Adequate turning, manoeuvring, and car parking was provided. The proposal was therefore considered to comply with policies COM7 and COM8 of the Local Plan 2015.
- **Contamination** – The site was in existing use as farmland and, in terms of supporting agriculture, the proposal was not for a vulnerable use. The proposal was therefore considered to comply with policy ENV9 of the Local Plan 2015.
- **Landscape** – The proposed greenhouse would be clearly visible within the surrounding area and had a substantial floor area although the height would be limited to 7.2m, several metres lower than the height of the nearby straw barn. The site was located in a rural area and there were other examples of large greenhouses in open countryside in support of the food industry. Landscaping could be used to assimilate the proposal into its surroundings. Although landscaping should not be relied upon to make a development acceptable, it could be enhanced in and around the site. The proposal was therefore considered to comply with policy ENV1 of the Local Plan 2015.
- **Trees** – The Council's Tree Officer raised no concerns with the proposal but had requested a condition be applied to protect an ash tree near to the storm crate during construction. It was also recommended that, in accordance with the Natural Environment SPD and policy ENV7 of the Local Plan 2015, a condition be applied for additional landscaping and biodiversity features.

- **Ecology** – Following the receipt of additional ecological information from the applicants, the RSPB and the Welney Wetlands Trust (WWT) did not raise any objections but did propose a series of mitigation measures including protection of hedgerows, provision of a barn owl box, and restriction of development to the months of April-October. The reports submitted addressed the Goose and Swan IRZ and met the requirement of NE2 of the Natural Environment SPD as not likely to have a significant effect. In addition, the nature of the proposal being a glass building in open countryside, it was suggested that Condition 12 of the report could be revised to reference both internal and external lighting. With appropriate conditions in place the proposal was considered to comply with the Natural Environment SPD and with policy ENV7 of the Local Plan.
- **Flood risk** – The application site was located within Flood Zone 3 and therefore the Internal Drainage Board, the Lead Local Flood Authority and the Environment Agency had all been consulted. The applicants had also been required to submit information detailing how surface water would be dealt with. The proposal was considered to be for a “less vulnerable use” in applying the sequential test. On the basis of the mitigation measures proposed within the submitted Flood Risk Assessment, the proposed development was considered to meet the Sequential Test and the Exceptions Test and comply with policy ENV8 of the Local Plan 2015, subject to conditions.
- **Climate change** – The proposal would store rainwater for use in watering the plants, and an energy and sustainability strategy could be secured via a condition. The proposal was therefore considered to comply with the Climate Change SPD and with policies ENV4 and ENV6 of the Local Plan 2015.
- **Neighbours amenity** – The nearest neighbour, a residential property “Springfields”, was 140m northeast of the application site. The residents had submitted multiple objections regarding the principle of development, the character of the area, the size of the development, the impact on wildlife, the visual intrusion and loss of privacy, the noise and disturbance during construction and once the site was in operation, and the failure to consider other sites or submit detailed traffic information. They had also stated that the Officer’s report was biased in favour of the applicant, in response to which the Officer stated that as Planning professionals she and her colleagues remained impartial and advice had been taken from statutory consultees to inform the recommendations in the report. It was accepted that the character would change but the amenities could be protected during the construction phase by applying a condition for a Construction Environmental Management Plan (CEMP) and the issue of the greenhouse lighting could also be addressed by condition. The proposed development was therefore considered to comply with policy ENV2 of the Local Plan.

In summary, the proposal related to the extension of a local business operating within Pymoor and could only be located in a rural area due to the size of land required. It was considered to be policy-compliant and landscaping could be used to assimilate the proposal into its surroundings and ensure a net biodiversity gain. The proposal was therefore recommended for approval subject to conditions which the case officer ran through briefly.

On the invitation of the Chairman, Sarah Mills (AFA Planning Consultants) read aloud an objection statement on behalf of Dr Ruth Armstrong and Dr Peter Spofforth whose property, Springfields, adjoined the application site and consisted of a family home with stables and manège. She stated that they were disappointed with the summary of their objection in the Officer's report and felt that the development would have an enormous impact on the privacy of their home. In their opinion, policies had been misinterpreted in the consideration of the application. They disagreed that the application was agricultural and therefore stated that it should not be considered as an exemption within policy GROWTH 2. They did not consider policy EMP2 to be applicable since it referred to the expansion of an existing business and CN Seeds did not currently operate at Greenacres, it would also adversely affect the character. They disputed the suggestion, in relation to policy EMP3, that the application was small scale since the proposed greenhouse would be over 12,550m<sup>2</sup> and part of a multinational company. It was outside the build framework of Pymoor and no alternative sites analysis had been provided. The Officer's report did not mention the adverse effects of the construction, in particular that it would be visually intrusive and dominate Springfields. In addition, the nature of the metal framework and glass panels would be intrusive due to glare and would therefore impact on the residents and the riders and horses using the manège. Although landscaping had been suggested to mitigate the visual appearance, many years would be needed for planting to reach maturity and in the meantime there would be a loss of privacy due to the employees and vehicles on the site. No traffic assessment had been provided and they disagreed that the proposed use would not result in an increase in traffic. As medical doctors conducting remote consultations from home for vulnerable patients, they were seriously concerned about the noise impact of the additional tractors, building work, and lorry turning adjacent to their property. In summary, they believed the application failed to comply with policies in the Local Plan and permission should therefore be refused.

The Chairman invited questions from Members for the speaker but she explained that she was unfamiliar with the case and therefore could not answer any questions. She stated that she had attended the meeting purely to read her colleague's statement since they were unable to attend due to unforeseen COVID-related circumstances.

The Chairman then invited Dan Nye (Managing Director, CN Seeds) to address the Committee. The applicant provided some background information about CN Seeds, explaining that it was a pioneering seed company specialising in herbs, baby leaf salad and oriental vegetables, and had been founded by his father in a converted shed on the family farm in 1990 before moving to its main premises at 18 Main Street, Pymoor, in 1998. The main site included 4 acres of glasshouses and was self-sufficient in electricity, water and heating. The company employed 37 staff, 9 of whom lived in the village and 95% of whom lived in East Cambs, and now had an annual turnover of £10m. 15% of the revenue spend each year was on research and in 2016 the company had been named as one of the top 100 innovators in the Greater Cambridgeshire and Peterborough business area. In order to continue to grow the business, new breeding to increase yields and tolerance was needed and the company's success relied heavily both on its own research and development activities and its collaboration with academics. When considering how to expand its research activities the company felt it was important not to outsource since, apart from the cost, that would not give them direct control

over the genetics and IP of their work. It was also important for their in-house scientists to be involved on a daily basis. Although Brexit had forced them to open a site in Spain for a warehouse and despatch to allow for next day delivery there were no plans to relocate the research and development activities away from Pymoor. He stated that he believed concerns that had been raised during the application process had been addressed and he asked the Committee to support the company's development.

The Chairman invited questions from Members and Cllr Downey asked if the proposed new site would be 100% self-sufficient in energy terms. The applicant replied that there were no plans to light the greenhouse, and large energy use beyond the small pumphouse (for which solar panels might be considered in future) was not expected. He added that they would also be harvesting rainwater at the site. In response to a question from Cllr Brown, he agreed that they would be happy to accept a planning condition regarding lighting, and he explained that the intention with the greenhouse was essentially to extend the growing period in the UK and protect the plants from the unpredictable weather. Cllr Hunt mentioned his concerns regarding lighting and light pollution, and the possibility of a change of use of the building. He also highlighted his concern about the barn under construction that was being built taller than the agreed proposal. He asked the applicant if he was aware how seriously the Council considered breaches of planning conditions. The applicant reminded Members that the barn planning application was a separate issue and he stated that the company was respectful of its village location and he believed the concerns had been addressed. The applicant advised there would be no internal lighting of the glasshouses, and that lighting might be required for the car parking areas, so would be happy to have a condition in respect of lighting.

The Case Officer had no further comments to make but Cllr Brown asked her why the application was not considered to fall within the category of agriculture since the Town and Country Planning Act 1990 defined agriculture as "...horticulture, fruit growing, seed growing, ...the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds...and 'agricultural' shall be construed accordingly". The Officer replied that, although the proposal was considered to be in support of agriculture, research and development activities did not fall within the definition Cllr Brown had given; in addition, she stated that the application had been submitted by the applicant as a research & development proposal supporting the agricultural industry.

The Chairman opened the debate and Cllr Ambrose Smith commented that she believed the application should be supported since the company was important in driving forward the business life of the community and seed development was crucial in that. Cllr Brown expressed sympathy for the neighbours' viewpoint but believed there was no reason to refuse the application and he therefore proposed the Officer's recommendation of acceptance subject to the conditions in the report together with an amended condition concerning lighting, as read aloud by the Officer during her presentation. He also maintained that the application should be considered to be agricultural. Cllr Wilson agreed with Cllr Brown's comments and seconded the motion. Cllrs Huffer and Stubbs echoed those views, with Cllr Stubbs stressing the importance of the lighting condition and Cllr Huffer commenting that East Anglia was considered the market garden of the UK, so developments supporting the industry were important. Cllr Hunt added that it was important to

encourage businesses to grow and employ local people, but stressed the importance of complying with planning conditions.

It was resolved unanimously:

That planning application ref 20/00536/FUM be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report, with Condition 12 amended to read "Prior to the installation of internal and external lighting, and light pollution screens, details shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the operation hours and mechanism. The approved lighting and light pollution scheme shall be implemented prior to first use of the greenhouse, pump house and water tanks hereby approved."

**23. 20/01755/RMM – LAND ADJACENT TO MELTON FARM, NEWMARKET ROAD, BURWELL**

*Cllr Alec Jones arrived at 2:07pm, during the Officer's presentation.*

Dan Smith, Senior Planning Officer, presented a report (W34, previously circulated) recommending approval of a reserved matters application in respect of the provision of an internal spine road, landscaping and associated drainage and infrastructure related to the road. The outline application to which the reserved matters related was ref 15/01175/OUM which had been granted outline planning permission in October 2019 for the redevelopment of land to provide up to 350 dwellings (including affordable housing provision) with associated open space, sports provision, access and infrastructure, together with the detailed matter of the access point onto Newmarket Road.

The Officer updated Members on three points that had arisen since the publication of the report:

- a) Cllr Brown had sent the Officer four further representations from members of the public, all expressing concern about the use of a T-junction rather than a roundabout at the previously-approved access to the site from Newmarket Road.
- b) There had been correspondence between the Officer and Cllr Cane regarding the junction of Isaacson Road and Newmarket Road, which Cllr Cane stated was a key route to Exning and Newmarket for the residents of villages within the Bottisham ward as well as the residents of Burwell, and care should be taken to ensure that the additional traffic from 350 dwellings did not make the junction less safe. In particular, Cllr Cane suggested that mitigation would be needed at the junction since it was a significant junction in the proposed Burwell to Exning/Newmarket cycle route.
- c) Discussions with the agent regarding the hard landscaping condition (Condition 4) had identified that the condition could be worded so that the main access and spine road works are not included within it as the material for those was already known. This would prevent delay to the provision of the initial elements of the scheme. A revised condition was therefore suggested if approval was proposed and had been detailed in the Planning Committee Update.

Members were shown various images including location plans and site photos, both of the application site and also of the wider development site to which the

application related. Members were reminded that the outline permission for the wider site had established the principle of development and the detail of the main vehicle access point onto Newmarket Road. At outline application stage a roundabout had initially been considered but on the advice of the Local Highways Authority had been changed to a T-junction, which was considered safe and appropriate for the development, prior to approval being granted. The detail of the vehicle junction had therefore been fixed and was not part of the current reserved matters application. For completeness, the Officer had spoken to the agent about the access and had been informed that there was no appetite or potential for re-examination due to the significant progression of the plans since the outline planning permission had been granted. The 2018 approval had also secured 25% affordable housing (up to 87 dwellings), ~6.3 hectares of on-site open space including 3.8 hectares of sports facilities, and a footpath/cyclepath link between Burwell and Exning that would be jointly funded by this development and a development to the west of Exning.

The reserved matters application under consideration included public open space at the entrance to the site and at the western end of the frontage, a primary spine road from the main access on Newmarket Road and running north into the site with an avenue of paired trees along it, a secondary spine road returning west towards Newmarket Road, a landscaping strip including native hedging alongside Newmarket Road, and a drainage basin at the entrance to the site. Various plans and artists' impressions were used to illustrate the features of the application.

The main considerations for the application were deemed to be:

- **Principle of development** – The proposed roads and landscaping were broadly in line with the indicative development plan approved at the outline stage in 2018. Internal access was provided via the previously-approved access point. The principle of development had therefore been established.
- **Visual amenity and landscape impact** – The structural landscaping for phase one of the site included open space areas and hedgerow planting along Newmarket Road and the northwest boundary of the site. The landscaping proposals had been adjusted in response to comments from the Trees Officer regarding the species used in order to future-proof the scheme against diseases. The landscaping approach had resulted in good quality public realm that would have an acceptable impact on visual amenity and the impact of the site on the wider landscape. The proposed development was therefore considered to be in accordance with policies ENV1, ENV2 and BUR1 of the Local Plan 2015, and section 15 of the NPPF.
- **Impact on historic environment** – The site was not close to the Burwell Conservation Area and, since the granting of the outline approval, the proposed open space along the boundary with the Grade II listed mill to the west of the site had been extended as a visual buffer to protect the setting. There had been an archaeological condition on the outline permission due to the presence of a Bronze Age to early Iron Age settlement on the wider site. Following concerns raised by the County Archaeology Team the applicants had confirmed that the Archaeological Excavation Areas were being dealt with as a whole in advance of construction, consequently there were no objections relating to the historic environment. The proposal was therefore considered to be in accordance with section 16 of the NPPF and policies ENV12, ENV14 and BUR1 of the Local Plan 2015.

- **Access and highway safety** – The detail of the main T-junction access to the site had previously been considered acceptable in terms of safety by the Local Highways Authority and had already been approved. The proposed main spine road would provide safe access to the plots in phase 1 and would also connect to the later phases. All of the visibility splays were considered to be acceptable. The roads had been adjusted, following a request from the Local Highways Authority, to meet a 20mph design speed whilst also being capable of accommodating buses. Pedestrian access through Melton Fields at the west of the site would connect the site with Burwell. Since the outline approval there had been a slight variation in the route of the cycleway along the frontage to Newmarket Road in order to avoid a substation but this did not affect the provision of the Burwell to Exning cycle route. The proposed development was therefore considered to be in accordance with section 9 of the NPPF and policies ENV2, COM7 and BUR1 of the Local Plan 2015.
- **Flood risk and drainage** – The majority of the drainage features of the site would be below ground and not affect the character of the site. The open drainage basin at the entrance to the site would be a landscape feature and was considered acceptable in terms of its visual impact. Surface water drainage would be achieved by infiltration via spine road soakaways or to the main drainage basin and the Lead Local Flood Authority had confirmed that the drainage arrangements were acceptable. The proposed development was therefore considered to comply with section 14 of the NPPF, the Flood & Water SPD, and policies ENV2 and ENV8 of the Local Plan 2015.
- **Residential amenity** – The principle of the impact of the site development on the residential amenity of existing dwellings near the site had been considered acceptable at the outline stage. Neither the spine roads and associated infrastructure nor the areas of open space would impact on neighbouring amenity or result in harm to the residential amenity of neighbours. The siting of Melton Fields would provide separation between the new houses and the existing farm, and was a deeper public open space than had been indicated on the outline application. The proposed development was therefore considered to comply with policies ENV2 and ENV9 of the Local Plan 2015.

In summary, the reserved matters application was consistent with the outline approval and built on the development plan and detailed access. It would allow delivery of housing parcels on the wider site and enable connectivity between the site and the villages of Burwell and Exning via footpath/cyclepath links. Drainage infrastructure would be provided together with public open spaces and a good quality landscaping scheme. Some conditions on the outline permission remained relevant to the reserved matters application and were detailed in the report, together with additional conditions in respect of the current application. It was therefore recommended that the application be approved.

The Chairman requested, and received, confirmation from the Monitoring Officer that Cllr Jones had been present for the majority of the presentation and would therefore be able to participate in the debate and voting.

On the invitation of the Chairman, Justin Bainton, agent for the applicant, addressed the Committee. He informed Members that the application had been

submitted on behalf of This Land, a development company whose shareholder was Cambridgeshire County Council, for the internal spine road, secondary roads and landscaping. The reserved matters under consideration represented an essential first phase to enable the housing and affordable housing to be delivered. The vehicle access to the site as well as a footpath/cycleway were approved as part of the outline permission. This proposal would facilitate the delivery of two key open space areas, provision for youth and junior play areas, sustainable urban drainage systems and pedestrian access to the site. The development framework plan had been included at the outline stage and the reserved matters under consideration accorded with that.

Cllr Huffer requested that play equipment suitable for children with disabilities be included in both play areas to ensure that they would be inclusive, which the agent agreed to suggest to his clients, and she stated her strong concern regarding the reliance on a T-junction to access the site. She compared the application site to a smaller recent development in Fordham where a roundabout had been constructed for safety reasons. Cllr Brown concurred with the comments about the site access and then asked the agent whether the spine road would be of an adoptable standard. The agent stated that the site had been designed to meet adoptable standards and it would be a matter for the Highway Authority to decide whether they chose to adopt it. In response to questions from Cllrs Brown and Wilson about the lighting on the site, the agent explained that a condition covered all non-adoptable areas and a full lighting scheme for discharge conditions would be done with the Local Planning Authority. The main spine road would have lighting on and this would form part of the s278 Agreement with County Highways. Cllr Hunt asked if there would be full-size pavements on both sides and the agent said that the spine road included a footway and cycle links on the east side as the primary one, and there would also be a footway on the other side. Cllr Wilson asked if the play equipment would be available for first occupation and suggested that traffic lights could be installed at the site entrance T-junction if a roundabout was not an option. The agent reminded Members that the site access had been fully assessed at the outline application stage with Stage 1 and Stage 2 Safety Audits without the requirement for traffic lights. Regarding the play equipment, he explained that the reserved matters application included the necessary triggers for its implementation but he didn't know precisely when it would be delivered.

Cllr Brown commented that the topsoil had all been cleared from the site and archaeological work was underway. He said that This Land had been keeping villagers updated with progress and, since there was interest and excitement within the village regarding a possible Bronze Age settlement, he asked if an open day might be possible. The agent committed to passing the suggestion to his client. Cllr Hunt asked if an open day might be held as a residents consultation and the agent commented that a strategy would need to be developed for the new phases.

Regarding the open spaces and play areas, the Case Officer clarified that the legal agreement with the outline planning permission included a trigger for their provision at ~80% occupation in a phase. He also explained that the detailed scheme of play equipment was within the obligations of the S106 agreement and therefore the Council would have some control of it.

Cllr Jones asked the Officer to ensure that waste bins were placed outside the play areas since COVID-related closures of playgrounds elsewhere had rendered some

bins inaccessible. In response to questions from Cllr Hunt, the Officer stated that the outline permission for up to 350 dwellings included 87 affordable homes, 15.5 acres of open space and 9.4 acres of sports provision. Cllr Brown added that there would be 5% self-build plots on-site. Cllr Wilson asked who would be responsible for the green areas and the Officer confirmed that the open space management would be offered in turn to East Cambs District Council, then Burwell Parish Council, and finally to a management company.

In response to questions from Cllr Downey, the Officer confirmed that the reserved matters application only covered the details of the infrastructure needed to enable future parcels of development to be brought forward, and that those housing parcels were likely to be considered at Committee.

The Chairman opened the debate and Cllr Brown commented that Burwell Parish Council successfully managed all of the other play areas within Burwell and would be likely to take them on. He then stated that, although he recognised that the current application did not include the site access, he felt it to be a grave mistake to use a T-junction having regard to the speed of traffic along Newmarket Road. Cllrs Jones and Huffer agreed and Cllr Huffer added that, with up to 350 houses on the site, the number of vehicles exiting the site daily would be very high. She stated that the T-junction should be re-examined as a matter of urgency in order to avoid the potential of a death.

*A comfort break was taken from 2:38-2:50pm.*

Cllr Brown proposed the Officer's recommendation of acceptance, including the revised wording of Condition 4 as suggested by the Officer in the Planning Committee Update, with the addition of a statement to register the Committee's grave concerns about the T-junction access to the site. Cllr Hunt seconded the proposal.

It was resolved unanimously:

Whilst acknowledging that this is outside of the scope of the current application, the Committee formally records its grave concerns about the safety of the previously-agreed access from the site to Newmarket Road.

It was further resolved unanimously:

That planning application ref 20/01755/RMM be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report, with Condition 4 amended as set out in the Planning Committee Update to read "Notwithstanding the plans, hereby approved, prior to the commencement of hard landscaping of development subject to this reserved matters (excluding works to the access and spine road as shown on plan 1005.0003.010 C), precise details of the hard surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping shall thereafter be carried out in full accordance with the approved details."

## 24. 21/00080/FUL – HIAMS FARM, CHATTERIS ROAD, MEPAL

Emma Barral, Planning Officer, presented a report (W35, previously circulated) recommending refusal of an application seeking permission to construct a two-storey annexe between the existing bungalow and barn at the application site.

Members were shown various photographs and maps to illustrate the position of the application site, an agricultural holding in a countryside location approximately 2km northwest of Mepal and within Flood Zone 3. The site was accessed from Mepal Highway and consisted of an area of land between an agricultural building to the north and the existing host dwelling 6m to the south. A caravan providing residential accommodation was currently within the site.

Floorplans and elevations were shown of the proposed two storey annexe, reduced in size from the original submission to a 1 bedroom annexe, but remaining detached rather than taking the form of an extension to the host bungalow as had been suggested by Officers. The applicant's agent had indicated that the chalet bungalow was designed to echo the style of the neighbour's property rather than the host bungalow since the flood risk in the area recommended no ground floor sleeping accommodation. The submission had also stated that the proposed annexe would rely on shared access, garden and facilities by the nature of its location in the middle of the existing bungalow's curtilage.

The main considerations for the application were deemed to be:

- **Principle of development** – Officers considered that annexes should ideally be an extension to an existing property or a conversion of an existing outbuilding. They should not form a separate planning unit and should have a clear functional relationship to the host dwelling, relying on it for key facilities, services and utilities. The proposed annexe was set at a distance from the host dwelling and was considered by Officers to have all the facilities required to function as an independent unit of accommodation. The proposed annexe is not considered to be located within the curtilage of the host dwelling. It was not considered ancillary or subordinate in size to the host dwelling. It was therefore judged to result in the creation of a separate new dwelling which would be contrary to the Design Guide SPD and policies ENV2 and GROWTH2 of the Local Plan 2015.
- **Visual amenity** – The proposed annexe would be to the side of the existing dwelling and set back within the streetscene. The proposed materials would match those of the existing dwelling, and given the setback and limited built-up character of the surrounding area it was not considered to result in harm to visual amenity. The proposed development was therefore considered to comply with policies ENV2 and HOU8 of the Local Plan 2015.
- **Residential amenity** – No flank windows were proposed in the north- or south-facing side elevations of the annexe and it would therefore not create overlooking or loss of privacy. Given the distances between dwellings the proposed annexe would not result in harm to neighbouring amenity in terms of overbearing nature, loss of privacy or loss of light. The proposed development was therefore considered to comply with policy ENV2 of the Local Plan 2015.
- **Other matters** – The requirements of the Natural Environments SPD were not applicable since this was a householder application but the agent had also not addressed the Climate Change SPD, which weighed against the

application. Due to the site's location in Flood Zone 3, the applicants had submitted a flood risk assessment which recommended mitigation measures to render the application acceptable in terms of its susceptibility to flooding. The proposed development could therefore comply with policy ENV8 of the Local Plan 2015, subject to appropriate conditions.

In summary, although the development could be undertaken without detriment to the residential amenities of neighbouring occupiers and without having an adverse impact upon the surrounding area and rural setting, its size, position and facilities meant it was considered to be a separate new dwelling rather than an annexe and was therefore contrary to policies ENV2 and GROWTH2 of the Local Plan 2015 and was recommended for refusal.

On the invitation of the Chairman, the applicant's agent Ian Gowler addressed the Committee. He clarified that the proposed annexe contained one bedroom, not two, following revisions to reduce the overall size. The annexe was intended to house the owners' daughter together with her partner and baby in order for them to live on-site with the baby's grandparents and they were not applying for a separate dwelling. He stated that there were no clear policies on annexes but, by definition, an annexe should be self-contained and could be joined to the main building or not. He explained that the existing bungalow design did not lend itself to an extension and there would also be a flood risk due to the ground levels in that area of the site and the site being located in Flood Zone 3. The annexe had been designed to resemble a double garage and to echo the style of the neighbouring property. He drew Members' attention to three annexes approved in the District in recent years, two of which were detached and all of which were self-contained, situated in residential gardens. He emphasised that the applicants were not applying for permission for a separate dwelling and would be happy to agree to a condition or restriction regarding future occupancy since the annexe was purely intended for family use.

In response to questions from Cllr Jones, the agent stated that he was not aware of any agricultural restrictions on the farm building, and the intended occupants of the proposed annexe did not work on-site.

Cllr Dupré then spoke as the Ward Member and confirmed that she had called the application in to Committee on the grounds that the proposed building was an annexe as it would be reliant on the host dwelling and would not create a separate new dwelling. She highlighted that no objections had been received and that the report stated that there would be no significant impacts on visual amenity or neighbour amenity. Since the recommendation for refusal rested on the grounds of it being a separate dwelling, the key consideration was how to define an annexe. Planning Guidance stated that an annexe should be ancillary to the main accommodation and it allowed for it to be interconnected or separate. She referred to a HMRC tribunal on VAT that had stated that an annexe could be attached or separate and reminded Members that there was no Local Plan policy on annexes and no references to annexes in the SPD. Regarding ancillary vs separate accommodation, she contended that the inclusion of a bathroom and kitchen did not preclude the building from being an annexe. The electricity and water supply for the proposed building would run from the existing property and therefore the proposed annexe would be dependent upon the host dwelling for its utilities. The agent had confirmed that there was no intention to separate the buildings and that

they would be happy to agree to suitable conditions. The Arthur Rockwood site opposite was allowed accommodation, so why not here?

In response to a question from Cllr Wilson about the ownership of the annexe, Cllr Dupré reminded the Committee that ownership was not a matter of Planning law.

The Case Officer had no further comments to make and the Chairman therefore invited questions for the Officer from Members. Cllr Jones asked whether an extension of comparable size could reasonably be attached to the existing bungalow given the flood conditions and other considerations. The Officer replied that, in general, an extension would be viewed more favourably and would be preferred because the functional link would be clearer, but it would be hard to comment further as that would be a different proposal. Cllr Downey asked where the Officer's definition of an annexe had originated, since there was no definition of, or reference to, annexes in the Local Plan or SPD. The Officer agreed that there was no definitive policy in the Local Plan and therefore Officers had taken a professional view on the application. When unable to answer Cllr Huffer's query as to whether the annexe would have its own meters for electricity and water, the agent and the Ward Councillor interjected to state that the proposed annexe would use the host dwelling's meters. Cllr Stubbs asked for clarification about the size of the proposal since the report referred to two bedrooms and the agent to one. The Case Officer explained that the plans had been amended in April to a one bedroom property and that, although the description in the report still referred to two bedrooms, the plans shown in the presentation had been correct for the one bedroom design and the previous plans had been superseded. Cllr Stubbs also asked about the Natural Environments SPD, questioning whether it should have been considered since the proposal was for a separate building rather than an extension. The Officer explained that this was a householder application rather than a full application and therefore was being considered as an extension and the Natural Environments SPD did not apply. The Planning Manager added that the applicants considered the existing bungalow and the proposed building to be one unit, whereas Officers considered them to be two.

Cllr Hunt stated that the argument hinged on whether the proposed building would create a separate dwelling or an annexe. He considered it to be separate and therefore proposed the Officer's recommendation for refusal, which was seconded by Cllr Stubbs.

Cllr Downey disagreed and read aloud a dictionary definition of annexes in support of the principle that an annexe need not be attached to its host. He reiterated several of Cllr Dupré's points and stated that he considered the proposal to be an annexe and therefore disagreed with the Officer's recommendation.

Cllr Wilson commented that, although he would have preferred the building to have less separation from the bungalow, if the utilities were linked to the host he wondered if it would be possible to impose conditions to prevent separation. The Planning Manager stated that the physical separation was not normally as great as seen here and annexes generally were located in a property's curtilage. She explained that, if Members were minded to approve the proposal, a legal agreement would be stronger than a planning condition since conditions were often breached. Cllr Huffer commented that it was a very small unit for a growing family and she wondered if there would be a subsequent attempt to extend using

permitted development rights. She asked whether it would be possible to build the annexe and then sell it and the Planning Manager explained that the application of conditions or a legal agreement, if Members were looking to approve the application, would prevent it being sold separately lawfully.

Cllr Ambrose Smith understood that Officers were wary of establishing extra buildings in the countryside but she supported family units and felt that approval would be reasonable with appropriate legal safeguards to prevent extensions and to maintain occupation by family members. Cllr Jones agreed and added that the size and scale of the proposed building were subordinate to the host dwelling. In answer to a question from Cllr Downey, the Planning Manager explained that permitted development rights could be restricted since the proposed annexe would be classed as an outbuilding. Cllr Downey then stated that, considering all that the Planning Manager had explained regarding the legal options to prevent separation or extension, he felt it would be an assumption of bad faith to refuse the application.

Upon being put to the vote, the motion to refuse the application was declared to be lost with 3 votes in favour, 4 votes against, and 1 abstention.

Cllr Jones then proposed that the application be approved since its size and scale were supplementary and subordinate to the host dwelling and it was reliant upon the host dwelling for its utilities. He proposed that approval should be conditional upon a legal agreement tying the annexe to the host dwelling, and also upon restricting the permitted development rights to prevent future extension of the annexe. Cllr Downey seconded the motion.

It was resolved, with 5 votes in favour, 2 votes against, and 1 abstention:

That planning application ref 21/00080/FUL be APPROVED, subject to the signing of a legal agreement to prevent the annexe from being used or sold as a separate property to the host dwelling, on the grounds that its size and scale are supplementary and subordinate to the host dwelling and it is reliant on the host dwelling for utilities supplies.

It was further resolved:

That the Planning Manager be given delegated authority to impose suitable conditions, including the restriction of permitted development rights.

## **25. 21/00421/FUL – LAND TO SOUTH OF 25 PYMOOR LANE, PYMOOR**

Emma Barral, Planning Officer, presented a report (W36, previously circulated) recommending refusal of an application seeking permission for the construction of a four bedroom, two storey, detached dwelling.

Members were shown various site plans, photographs, elevations and floorplans to illustrate the proposed building design and the application site's location just outside the development envelope of Pymoor. Existing two-storey residential dwellings were positioned opposite the site to the north and immediately adjacent on the east, a dwelling was under construction on the west, and there was open countryside to the south. The site had been subject to an approved planning application in 2016, including the land to the east, for which no conditions were discharged. A further application for the land to the east had been approved in

2018 and the dwelling had been constructed and occupied. Planning permissions for a four bedroom dwelling on the land to the west had been granted in 2016 and 2019 and construction was underway. All of the planning consents had been granted when the Council could not demonstrate a 5-year land supply, and the only permission relating to the site currently under consideration was the approval granted in 2016 that had expired on 18<sup>th</sup> October 2019.

The main considerations for the application were deemed to be:

- **Principle of development** – The Council’s 5-year land supply had been demonstrated since April 2020 and therefore market housing outside development envelopes was restricted by policy GROWTH2 of the Local Plan 2015. The application site was outside the development envelope of Pymoor, the boundary of which was 22m to the east. Exceptions were identified in the policy but the proposed development did not meet any of them and was therefore contrary to policy GROWTH2 and unacceptable in principle.
- **Visual amenity** – The proposed dwelling had been designed with some regard to the existing dwellings located opposite the site and its visual impact was not considered to cause significant or demonstrable harm to the character and appearance of the area. It was also considered that the proposal would preserve the character and appearance of the surrounding area. The proposed development was therefore considered to comply with policies ENV1 and ENV2 of the Local Plan 2015.
- **Residential amenity** – The proposed dwelling was of sufficient distance from its neighbours and without side-facing windows so would not create any significant loss of light, overbearing, overlooking or loss of privacy. The proposed development therefore accorded with policy ENV2 of the Local Plan 2015.
- **Historic environment** – The application site was almost 100m from the curtilage of The Old Mill, a Listed Building. Due to the separation distance and the scale of the development the Conservation Officer had no comments or concerns. The proposal was therefore considered to comply with policy ENV12 of the Local Plan 2015.
- **Highways** – The creation of an additional access point to the south of Pymoor Lane, a quiet road with little traffic, was not considered to create any significant impact on the public highway network. Details of the proposed access, parking and turning layout had been submitted and there had been no objections from the Local Highways Authority. The proposed development was therefore considered to comply with policies COM7 and COM8 of the Local Plan 2015.
- **Other matters** – No details had been provided in respect of the Climate Change SPD, which weighed against the proposal but would not warrant refusal solely on that basis. If the application was to be approved, conditions would be recommended regarding a scheme of biodiversity improvements, adequate surface drainage measures, and a contamination assessment.

In summary, the application site was outside the development envelope and had no extant planning permission. The principle of development was therefore unacceptable and contrary to policy GROWTH2 and consequently refusal was recommended.

On the invitation of the Chairman, Greg Saberton addressed the Committee as the agent representing the applicants. He explained that, four years earlier, permission had been granted to build two dwellings on the land at a time when the Council did not have a 5-year land supply. Permission was also granted for a dwelling on adjacent land. Of the three plots, one was subsequently sold and the dwelling was built in 2020, one was currently under construction, and the third was the subject of this application. The applicants lived in Littleport and had worked in Pymoor for four years, they were keen to improve their lifestyle in a more rural location. They had bought the plot of land, believing it to have planning permission, with a loan from their parents which they had intended to repay with the proceeds of the sale of their Littleport home; the construction of their new home would have been funded with a self-build mortgage. They learnt after buying the plot that the planning permission had expired. They understood that they could take legal action against the estate agent and solicitors involved in their purchase, but that would take time and they currently owed their parents £150k. The agent asked the Committee to consider that the application was essentially an infill site since there would be a house either side of the plot, it was within the village's speed restrictions, it was only 30-40m outside the development envelope and had been granted planning permission in the recent past. He thanked Cllr Bailey for calling the application in to Committee for consideration since he recognised her usual support for respecting development envelopes and the 5-year land supply.

There were no questions for the agent, and the Case Officer had no further comments to make. The Chairman then invited questions from Members for the Case Officer.

In response to a question from Cllr Downey, the Officer clarified that the development envelope for Pymoor consisted of the main village and a separate parcel of land as indicated in the presentation documents. Cllr Wilson asked for more information about the previous planning permission for the site and, in particular, why the construction of the neighbouring building hadn't initiated the application. The Officer explained that the application site and the site to its east had been the subject of a single planning approval granted on 18<sup>th</sup> October 2016 that had expired on 18<sup>th</sup> October 2019 without any conditions having been discharged. The site to the east had been granted a new planning permission in 2018 which had subsequently been built. Cllr Stubbs questioned whether approval of the current application would go against the Local Plan and the Planning Manager confirmed that it would be against policy GROWTH2. She stated that other applications with no extant permission had also been rejected and, although all applications needed to be assessed on their own merits, it was important to be consistent and act in accordance with the Council's policies.

Cllr Hunt referred to the Climate Change SPD, which was a material consideration in determining planning applications, and asked for confirmation that the applicants had not submitted any related documents. The Case Officer confirmed that nothing had been received and although that weighed against the application it was not in itself a reason for refusal.

Cllr Jones questioned whether refusal of planning permission could be referred to the Planning Inspectorate and the Planning Manager replied that Officers were recommending refusal and would not be doing so if they didn't feel that could be justified at appeal. Cllr Wilson asked whether the site's position between two

houses made it an infill site that would be approved but the Case Officer explained that since the site lay outside the development envelope of the village, it did not comply with planning policy. Cllrs Downey and Jones then asked when the development envelope was originally drawn and when it would be reassessed. The Planning Manager explained that it had been drawn as part of the 2015 Local Plan and had been subject to consultation, subsequently houses outside the envelope had been approved when the 5-year land supply was not in place, and the development envelopes would be reconsidered at a future time when the Local Plan was revisited.

The Chairman then opened the debate. Cllr Stubbs stated her concern regarding the implications of approval and therefore supported the contents of the report and proposed that the application be refused. In doing so, she expressed her great empathy for the owners, but reminded Members that the Committee's responsibility was to consider the wider planning implications and act consistently. Cllr Hunt seconded the motion.

Cllrs Huffer, Brown and Jones all expressed their deep sympathy for the owners of the land but agreed that the 5-year land supply had been hard-fought and there were no reasons to go against the Officer's recommendation.

Cllr Downey agreed that the Officer's conclusions were reasonable but suggested that the application could be approved on the basis of fairness and good sense. Although he recognised that the site was just outside the development envelope he believed that it should be within it, particularly since there were now houses either side of the plot. He argued that the application could be approved without contravening policy GROWTH2 since the site could be considered to be an exception that did not adversely affect the quality of the countryside. Cllr Wilson indicated that he would abstain on the voting since he felt that the reasonable outcome would not be compliant in Planning terms.

Cllr Hunt reminded Members that the Council had worked hard to establish a 5-year land supply and that the site in question, and its two neighbours, had only received planning permission when that land supply could not be demonstrated. He stated his utmost sympathy for the applicants, but the planning consent had lapsed in 2019 and an exception could not be made purely on the basis that they had been mis-sold the land.

Upon being put to the vote the motion was declared to be carried with 5 votes in favour, 1 against, and 2 abstentions.

It was resolved:

That planning application ref 21/00412/FUL be REFUSED for the reason detailed in paragraph 1.1 of the Officer's report.

## **26. PLANNING PERFORMANCE REPORT – MAY 2021**

Rebecca Saunt, Planning Manager, presented a report (W37, previously circulated) summarising the performance of the Planning Department in May 2021. She drew Members' attention to the high number of applications received in May 2021 compared to May 2019 (May 2020 being anomalous due to COVID-19 lockdown) and stated that the Planning Department was currently very busy. The

validations target was being exceeded and the majority of determination targets were also being met. Regarding the two enforcement notices that had been served, one had been appealed and the other had been complied with.

The Chairman thanked the Planning Manager and congratulated the department on their work.

It was resolved:

That the Planning Performance Report for May 2021 be noted.

*The meeting concluded at 4:26pm.*