



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
ELY, CAMBRIDGESHIRE CB7 4EE
Telephone: 01353 665555

MEETING: **PLANNING COMMITTEE**

TIME: 2:00pm

DATE: Wednesday, 5th February 2020

VENUE: Council Chamber, The Grange, Nutholt Lane, Ely, CB7 4EE

ENQUIRIES REGARDING THIS AGENDA: Janis Murfet

DIRECT DIAL:(01353) 665555 EMAIL: Janis.murfet@eastcambs.gov.uk

Membership:

Conservative Members

Cllr Bill Hunt (Chairman)
Cllr Christine Ambrose Smith
Cllr David Brown
Cllr Lavinia Edwards
Cllr Josh Schumann
Cllr Lisa Stubbs (Vice Chair)

Liberal Democrat Members

Cllr Matt Downey (Lead Member)
Cllr Sue Austen
Cllr Alec Jones
Cllr John Trapp
Cllr Gareth Wilson

Substitutes:

Cllr David Ambrose Smith
Cllr Lis Every
Cllr Julia Huffer

Substitutes:

Cllr Charlotte Cane
Cllr Simon Harries
Cllr Christine Whelan

Lead Officer:

Rebecca Saunt, Planning Manager

Quorum: 5 Members

PLANNING COMMITTEE TO MEET IN RECEPTION AT THE GRANGE AT 11:00am
(Please note site visit timings are approximate)

A G E N D A

1. Apologies and Substitutions **[oral]**

2. Declarations of Interest
To receive declarations of interest from Members for any Items on the Agenda in accordance with the Members Code of Conduct **[oral]**

3. Minutes
To receive and confirm as a correct record the Minutes of the Planning Committee meetings held on 8th January 2020

4. Chairman's Announcements **[oral]**

5. **19/00331/OUM**
Residential development of up to ten dwellings.
Land Off Scotland End, Chippenham

Applicant: Mrs Rebecca Nicolle
Site Visit: 12 noon

6. **19/01054/RMM**
Reserved matters for appearance, landscaping, layout and scale of planning application 17/00481/OUM for 100 dwellings with associated open space, landscaping and drainage.

Land Rear of 98 to 118 Mildenhall Road, Fordham
Applicant: Bellway Homes Limited (Eastern Counties)

Site Visit: 11.40am

7. **19/01690/FUL**
Addition of rooflights (front elevation) to attic level.

4 Priory Gardens, Isleham, CB7 5ZB
Applicant: Mr David Fitchett
Site Visit: 11.20am

8. **Planning Performance Report – December 2019**
9. **Planning Customer Satisfaction Survey – 6 Month Feedback**

NOTES:

1. Members of the public are welcome to attend this meeting. This Council has adopted a 'Purge on Plastics' strategy and is working towards the removal of all consumer single use plastics in our workplace. Therefore, we do not provide disposable cups in our building and would ask members of the public to bring your own reusable bottle/cup to meetings where water/hot drinks will be available.

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This will not apply if you come to an evening meeting: in this case you will enter via the rear access doors in the glass atrium at the back of the building and a Facilities Assistant will direct you to the room in which the meeting will take place.

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 - If the fire alarm sounds please make your way out of the building by the nearest available exit - i.e. the back staircase or the fire escape in the chamber. Do not to use the lifts.
 - The fire assembly point is in the front staff car park by the exit barrier.
 - This building has an auto-call system to the fire services, so there is no need for anyone to call the fire services.
 - The Committee Officer will sweep the area to ensure that everyone is out of this area.
3. Reports are attached for each agenda item unless marked "oral".
4. If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: translate@eastcamb.gov.uk
5. If the Committee wishes to exclude the public and press from the meeting, a resolution in the following terms will need to be passed:

"That the press and public be excluded during the consideration of the remaining item no(s). X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Category X of Part I Schedule 12A to the Local Government Act 1972 (as amended)."



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday, 8th January 2020 at 2:00pm.

PRESENT

Cllr Bill Hunt (Chairman)
Cllr Christine Ambrose Smith
Cllr David Ambrose Smith (substitute for Cllr David Brown)
Cllr Sue Austen
Cllr Matt Downey
Cllr Lavinia Edwards
Cllr Alec Jones
Cllr Josh Schumann
Cllr Lisa Stubbs (Vice Chair)
Cllr John Trapp
Cllr Gareth Wilson

OFFICERS

Rebecca Saunt – Planning Manager
Angela Briggs – Planning Team Leader
Maggie Camp – Legal Services Manager
Barbara Greengrass – Planning Team Leader
Molly Hood – Planning Officer
Toni Hylton – Planning Officer
Janis Murfet – Democratic Services Officer
Andrew Phillips - Planning Team Leader
Dan Smith – Planning Consultant
Angela Tyrrell – Senior Legal Assistant
Russell Wignall – Legal Assistant

IN ATTENDANCE

Cllr Lis Every (Agenda Item No. 5)
Cllr Julia Huffer (Agenda Item No.8)
35 members of the public

72. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Councillor David Brown.

It was noted that Councillor David Ambrose Smith would substitute for Councillor Brown for the duration of the meeting.

73. MINUTES

It was resolved:

That the Minutes of the meeting held on 4th December 2019 be confirmed as a correct record and signed by the Chairman.

74. DECLARATIONS OF INTEREST

Councillor Schumann declared a prejudicial interest in Agenda Item No. 12 (19/01470/OUT, Site South of 60 Longmeadow, Lode, CB25 9HA), being a Cambridgeshire County Councillor and Chairman of the Commercial & Investment Committee. He said that as it was the County Council's role to promote and develop the land, he would leave the Chamber before consideration of the item.

Councillor Jones wished it to be noted that with regard to Agenda Item No. 7 (19/00771/FUM, Land Parcel East of 2 The Shade, Soham), he lived almost opposite the application site.

75. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- It had been decided that comments made during Planning Committee meetings would be attributed to the specific Member in the minutes. If a case went to Appeal, it was important that Officers could identify which Member had made what remarks;
- A variety of cases were to be considered at today's meeting, and Members were reminded that each should be judged solely on its planning merits;
- Members were asked to note that a Planning Committee Update had been tabled at the meeting. It gave additional information received/updates relating to the cases listed on the Agenda, and would be provided for all future meetings of the Committee.

76. 19/00269/FUL – 34 BROAD STREET, ELY, CB7 4AH

Andrew Phillips, Planning Team Leader presented a report (reference U144, previously circulated) which sought permission for the demolition of a Victorian two storey terrace property and the construction of a three storey (including basement) designed to look like a pair of Victorian dwellings. However, the internal use would be a flat on the 1st floor with a D1 Use Class (Non-Residential Institution) being in the ground and basement level.

The application had been amended to overcome the concerns raised over detrimental impact to the visual/historic character of the area and the applicant had provided additional information to cover noise/disturbance issues raised.

The Update document stated that three additional neighbour responses had been received, but these concerns had been discussed and were already covered in the Officer's report. The neighbour comments of 34 Broad Street should read **46** Broad Street. The developer had revised elevation drawing 18063-03 P5 to include external stairs to basement; the new revision number was P6. The application was still recommended for approval, subject to the conditions contained within Appendix 1, and subject to Condition 1 being updated to cover the revised elevation to include external stairs.

The site was located within the settlement framework of Ely and was within the Conservation Area; it was located in Flood Zone 1. To the rear of the site was the Forehill Car Park and beyond this to the northwest was Ely Cathedral, a Grade I Listed Building.

Broad Street defined the front boundary (southeast) and the side boundaries were defined by attached properties that were both a mix of C3 (Dwellings) and A5 (Hot Food Takeaway).

It was noted that Councillor Lis Every had called the application in to Planning Committee in order that all planning considerations were fully explored, including opening hours.

A number of illustrations were displayed at the meeting, including a site location map, an aerial photograph, elevations, indicative sketch of the rear elevation, floor plans and the building to be demolished.

The main considerations in the determination of this application were:

- Principle of development;
- Residential Amenity;
- Historic Environment and Visual Impact;
- Highway and Parking; and
- Flood Risk.

The Planning Team Leader showed the Committee an image from Google Maps which detailed some of the community uses and businesses along Broad Street. The site was considered to be in a sustainable location with easy access by foot and cycle, including from the railway station. There were a number of bus stops, and the Forehill and Ship Lane public car parks in the locality.

The replacement of one two storey dwelling to a flat would have a neutral impact upon housing figures, and on this basis the Council's lack of a

five year land supply was considered to be immaterial in determining the application. The principle of development was considered to be acceptable.

In terms of residential amenity Broad Street, while having some business uses, was primarily residential in nature and the very early or late use of a building could cause substantial disturbance to local residents.

It was not possible to control numbers of people, but the hours of use could be controlled and other uses along Broad Street had their hours conditioned. The hours proposed were the same as the gym as this was considered reasonable. Construction work (including the creation of a basement) could cause substantial disturbance; however, this could be mitigated via the recommended conditions (Construction Environmental Management Plan, hours of work and piling).

With the substantial rear element now being single storey, the replacement building was not considered to have any long term impacts on residential amenity.

Speaking of the historic environment and visual amenity, the Planning Team Leader said the proposed front elevation was in context within its historic setting and would faithfully reinstate a traditional design that would preserve the Conservation Area. Best architectural practice clearly defined the intended main entrance and the use of the building. From an architectural viewpoint, the proposed design did not reflect the true use of the building as it did not look like a community building and the entrance was via the rear. However, this was not considered to lead to any harm to the character of the Conservation Area, as it would have a neutral impact. The loss of one of the traditional properties along Broad Street that had already lost some of its historic features and had no specific historic importance would not be detrimental to the Conservation Area. The proposal would have the lowest levels of less than substantial harm to the setting of the Cathedral and the harm was clearly outweighed by the benefit of a new community building.

With regard to highways and parking, parking standards would require 18 car parking spaces and 14 cycle spaces for the community centre. The proposal only provided one disabled parking space and 4 cycle spaces and would therefore place reliance on other non-car methods to arrive on site. The proposed scheme was in a very sustainable location, having access to public transport and nearby public car parks that most of Ely's businesses and communities relied on. On this basis, the parking provision was considered acceptable due to the proposal's central location. It was noted that the Local Highways Authority had raised no objections.

Members noted that the site was located within Flood Zone 1, but appeared to be at risk of surface water flooding. The creation of a basement could have significant impacts on water movement and therefore conditions regarding surface and foul water would be needed to ensure suitable long term water management.

The Planning Team leader concluded by saying that the public benefits of a new community centre clearly outweighed any harm to the Conservation

Area. While a community building was supported and conditions could be used to protect residential amenity, a 24/7 use would never be supported within this residential area due to the number of potential movements and disturbance to existing residential properties.

At the invitation of the Chairman, Dr Gulet addressed the Committee and made the following points:

- He was a GP and a trustee of the Muslim Community Centre;
- There was a small community, made up of different people and they felt settled in the wonderful community of Ely;
- They wished to continue to support and integrate with the local community;
- They had been trying to find suitable premises for a number of years, but it had been difficult;
- To help people have a better understanding of the faith, Councillors had been invited to attend a 'Breaking Fast' dinner, the Association had held courses in schools and it had been working with food banks and local churches;
- Prayers were held on a daily basis, five times a day and this was an important aspect of their religion. Four were held during the day and early evening/night and during the summer period, early morning prayers were at about 3.00am;
- The prayers were about five minutes long and quiet. People would be encouraged to walk or cycle to the centre and use the back entrance. Friday prayers attracted the most people;
- The building will be soundproofed;
- The Association had been using the Paradise Centre in Ely without any complaints;
- Considerable costs had been incurred in relation to this application. They had worked closely with the Planning Department and would continue to do so;
- The Muslim Centre would be a place of merit for Ely and the Committee should think of the benefits it could bring.

Councillor C Ambrose Smith said she was aware it was usual to have an audible call to prayer. While this would be no problem during the day, she wondered what would happen later on during the night. Dr Gulet assured her that no call would be made outside of the building.

Councillor Trapp asked how many people arrived on foot or by bicycle in comparison to car and he also enquired about the size of the community. Dr

Gulet replied that generally, 60 – 70% walked or cycled and 30% came by motor vehicle. There were 20 – 30 people in Ely.

Referring to the recommended restrictions on times of use, Councillor Jones asked if the Association would need to find another location if they were imposed. Dr Gulet said having such a restriction would cause difficulties.

The Chairman noted that the proposed building took up much of the footprint and wished to know where the commercial waste would be located. Dr Gulet replied that he was sure there would be enough space to accommodate it. He had looked at other well designed community centres to see how it had been done, but he would speak to the architect.

Councillor Stubbs expressed concerns regarding the complexity of the build and the substantial costs, and she asked Dr Gulet if pre-application advice had been sought. He confirmed that it had and that the applicant was confident in the long term because most of the money was already in place. The remaining funds would be raised as soon as possible and before work commenced.

In response to a question from Councillor Wilson about dialogue with the neighbours, Dr Gulet said that the Association had had a meeting with them a few weeks ago. They were not going to rush into anything and wanted to ensure that the construction did not cause any issues and wanted to work closely with everyone.

The Chairman having asked Dr Gulet to clarify whether the building would be a mosque or community centre, and if it would be available to all people, was advised that it would be a community centre but with some prayer activities being held there. The centre would be available to everyone.

Councillor Jones noted that the neighbours on one side were less supportive of the scheme than those on the other and he asked if this had been resolved. Dr Gulet replied that conversations had been held with both sides in order to try and reassure them.

At the invitation of the Chairman, Councillor Mike Rouse, Mayor of Ely, addressed the Committee and read from the following prepared statement:

'The City of Ely Council fully supports this application and has done at every stage. We would like to thank the Planning Officer and the applicants for the willingness to co-operate over a considerable period of time to bring this forward with a recommendation for approval.'

Historically this area of Ely, the Broad Street and the riverside, was the commercial area and quite self-sufficient from the rest of Ely with breweries, public houses, shops, chapel, church and some generally poor housing. It has, as you will have seen today, a wide range of property uses, from a tyre business, bathroom showroom, fitness club, dentists, hairdressers, shops, offices, takeaways and church. It has undergone much gentrification in recent years, but this building sandwiched between two takeaways contributes little architecturally.

The City Council has a policy of inclusiveness which recognises the right of our citizens to assemble and worship. We have the Cathedral, St Marys and St Peter's Churches for the Church of England, a Roman Catholic church, a Methodist church, A Jehovah Witnesses Hall and there are various free and evangelical churches as well as Bahai, Spiritualists, Quakers and Pagan meeting. Currently our Muslim citizens worship at the Paradise Centre and as you will note from the report this has caused no issues.

Those of you who, like me, have attended a Muslim prayer meeting will know that these are very devout and quiet assemblies, unlike a free church with perhaps a rock band and hymn singing.

Our Muslim friends, who contribute much to the business and social life of the city, want to have a community centre which will be open for all to have a better understanding of their religion and for their children to attend. When they tried a few years ago now, the Committee was keen to help them achieve such a centre, but that application failed on access and safety grounds. There are no such issues with this property as it backs onto and with access from a large free public car park.

In urging you to approve this application, may I, with respect, ask you to carefully consider the conditions imposed so that they do not prevent a small number of worshippers during May to July observing prayers at dawn/before sunrise and night/before bed, perhaps the proposed conditions could be amended to allow for this. It is important to emphasise that obligatory prayers five times a day are an integral part of the daily life of the Muslims living in our community.

Thank you, Chair, Members – the City Council hopes you will approve this application for its public benefits and take care that the conditions allow the building to be used for the purpose intended.'

Councillor Schumann asked if the City of Ely Council would be prepared to remove any time restrictions and Councillor Rouse replied that they would have no problem with this as they trusted the Muslim community's integrity.

At the invitation of the Chairman, Councillor Lis Every, a Ward Member for Ely East, addressed the Committee and read from the following prepared statement:

'As an ECDC Ward and City of Ely Member, I am totally in support of this application and thank the Officers for their recommendation for approval. I called it in as I felt it was a decision which should be heard in public and wanted to ensure planning conditions are explored including the hours of opening.

For almost 10 years, the applicants have been seeking premises for their own community facilities which can be used by all ages, particularly a safe educational and social environment for their young people – this is a community we value and support. This approach was endorsed by the City of Ely Council as long ago as 2011 when unfortunately the premises they

originally found were deemed unsuitable as they were on an industrial site. The Mayor at the time, Cllr John Yates, who spoke at this application, pledged the City of Ely Council's support for finding a suitable venue for a community hub.

During this time, the applicants have been using the Paradise Centre as their community hub and other local venues when required which has not been ideal. I would like to bring to your attention the Paradise Centre's endorsement with their excellent references on the time that the applicant have used these services.

I am delighted therefore, that premises have finally been found and work has taken place with the Planning Department resulting in the application you have before you today, with the Case Officer's recommendation for approval. I would like to thank the Case Officer, Andrew Phillips, for his work on this. The recommendations are fully documented in the Planning Comments from the Officer (Pages 8-14 inclusive).

However, concentrating on the material planning issues, I would like to highlight a couple of points that the Case Officer has based his recommendation on. These are:

Broad Street is not purely residential, with the site located between the city centre, the river side and the railway station with takeaways, office space, car repair service and a church all operating on a busy road with limited on street parking, but close to two public car parks which are by definition public and apart from some controls to prevent parking, can be used by everyone equally.

The community facilities are well located and accessible, in a sustainable location with easy access by foot and cycle. There is no adverse impact on traffic or the character of the area or residential.

The recommendation from the Conservation Officer is not accepted by the Case Officer on the basis that the public benefits of providing a community building, while not leading to the loss of a dwelling unit, weighs in favour of the application, and the proposal has been designed which meets the contextual demands and refusing this application on this basis would be unreasonable.

Issues raised through consultation have been addressed and we are delighted that the City of Ely Council continues to support the need for a community hub for our applicants and has no concerns with this application.

Therefore, I would ask you to recommend this application but ask you to consider amending one of the suggested conditions.

I want to confirm what has been said by the applicant. An integral part of the applicants' faith is they have 5 daily prayers which are obligatory and are very often undertaken in a community hub facility. Three of these prayers are done during the day. The most popular session is Friday lunchtime. For nine months of the year, a further 2 prayers take place early in the morning and late at night which would be within the opening hours conditions. However, for

3 summer months these would require the extension of the opening hours to include time up to midnight (just outside the recommendation) but as early as 3.00am. This is a small community and the numbers attending is likely to be under half a dozen. Prayers are short (usually 5 -10 minutes) and are very quiet. Access would be via the rear (walls will be insulated although not necessarily required) and once undertaken, the members of the community leave quickly. This has taken place at Paradise Centre for more than 10 years and there have been no complaints or disruption to user service users.

I would like to ask Members of the Committee to consider including in the opening hours conditions, these changes to the opening hours to facilitate the faith requirements of our valued local community who give so much back to us. The numbers are very small and will remain so and their track record is exemplary. This would make such a difference to them and provide them with a community hub which will allow for them to fully practice their faith. Their integration into and contribution to our local community cannot be underestimated. Please support this community; their faith needs and the City of Ely inclusivity. Would the Committee consider a trial period which would allow the community to demonstrate their commitment to not causing disturbance?’

Councillor Stubbs noted that there had been some objections to the proposal from residents, particularly concerns about the structural aspect. Councillor Every replied that the applicant would work to overcome those concerns and this would have been taken into account by the Case Officer as part of the proposal process.

Councillor Trapp remarked that he believed pre-dawn prayers would be from March to September rather than May to July. Having access from the rear of the building would be less disruptive and Councillor Every reiterated that the numbers attending would be very low.

The Planning Team Leader interjected to say that the recommended hours were due to the Use Class D1, the same as elsewhere in Broad Street. Planning did not give 24/7 hours use in residential areas; it was about approving the Use Class, not the people. He strongly recommended that the recommended hours were not changed, but it was for Members to decide.

Councillor Schumann asked what planning conditions were imposed on the Cathedral and was advised that there were none. He said that such buildings were not conditioned and there were a number of such community buildings in Ely. Licensing and Environmental Health could take measures to impose controls, if required.

Councillor Jones wished to know if the application was approved as it stood, could the hours of use be relaxed at a later date. The Planning Team Leader replied that the applicant could ask for a variation, however, he would recommend refusal but the applicant could appeal.

Councillor Wilson noted that in the past, hours of use had been made personal to individuals and he wondered if it could be done in this case. The Planning Team Leader replied that it was not best practice and should only be

permitted in special circumstances; Councillor Wilson believed the application to be a special case. He also spoke of a scheme in Haddenham where finances had run out and the site was left with a very deep, dangerous hole. He felt that, in view of the depth of the basement proposed for this application, there should be a legal requirement, such as a S106 Agreement, to ensure that such a situation did not arise again as a half-finished element would be unacceptable.

The Planning Manager said the Planning Team Leader had spoken to the Legal Services Manager and although a S106 could be done, she would not advise it. The Legal Services Manager confirmed that legal had been consulted and having looked at the tests in the NPPF and the CIL regulations, a S106 was only appropriate to make an otherwise unacceptable planning application acceptable in planning terms. She added that the Planning Team Leader had not proposed a S106 Agreement in his report and he was therefore satisfied that the application was acceptable in planning terms without a S106. However, if Members were of the opinion that the application would only be acceptable in planning terms with a S106 Agreement in relation to phasing of the development, then they would need to have good planning reasons as to why a S106 Agreement should be entered into.

Speaking of the basement and long term construction, the Planning Team Leader said he had recommended a CEMP to address this very point, and he would expect it to be supported by a civil engineering report. Pre-application advice had been given and discussions would continue; he had no problem with the community use, but not for 24/7.

The Chairman asked the Officer to comment on the point that a building in the Conservation Area should not be demolished unless it would bring substantial benefits to the public. The Planning Team Leader replied that the building had lost many of its traditional features and its loss would not cause much harm to the Conservation Area, and the public gain would be a community building.

Councillor Trapp wished to know whether the gym in Broad Street opened at 6.00am and if the numbers of people using it were more than those for the proposal. The Planning Team Leader again reiterated that it was about controlling the building, not those using it. Councillor D Ambrose Smith said the proposal was for a community building with a variety of uses and people. Prayer was only a small part and he would support the removal of the condition for hours of use if the Committee was so minded.

The Planning Manager reminded the Committee that conditions had to be enforceable; Members could remove the restriction but it could cause problems in the future.

Councillor Stubbs asked if the Conservation Officer still objected to the application. She was informed that he did, but it was considered that the proposal would still preserve the appearance of the building despite the secondary access being on Broad Street.

Councillor Schumann recalled the previous application, saying it had been refused with a heavy heart. This new application was in the city centre and there was once a club only a few hundred metres away; he could not imagine that the Muslim community would make more noise than people leaving the club. The structural issues could be controlled and he too was inclined to remove the time limits or work with the community to address them as licensing could be much more finessed. The City of Ely Members were resolute and had no concerns and he therefore supported approval of the application, with Condition 3 being altered to fit with prayer commitments.

The Chairman expressed his support for the Officer's recommendation as it stood, adding that the applicant could come back with an application for variation of the hours.

Councillor Stubbs said she could not support doing anything drastic regarding the hours, as it would be dangerous to change them without consideration and she was mindful that the scheme would be primarily in a residential area. Environmental Health had suggested that windows and doors should be kept shut, but this could not be monitored. The waste considerations had not been thought out and she was not happy with the demolition of the building in a Conservation Area, based on the concerns raised by the Conservation Officer.

Councillor Trapp said the objections were about the construction work, not noise, and he believed that having a rear entrance would help mitigate the traffic and people entering the building. He was mindful that the frontage proposed would be a great improvement and he concurred with Councillor Schumann's comments.

Councillor Wilson expressed his support, saying there were no time restrictions on the Broad Street car park, and besides which, churches held Midnight Mass at Christmas and Easter Dawn Mass. The Muslim Community had tried really hard to get a building in Ely and Members were trying to help them. However, he still had some concerns about money running out and the basement having to be filled in.

It was duly proposed by Councillor Schumann and seconded by Councillor Wilson that the Officer's recommendation be supported, but with the updated Condition 1 as stated in the Committee Update, and the removal of Condition 3 relating to the times of use.

Councillor Downey was happy to support the motion, but Councillor Jones said he was mindful of the dissenting voices and favoured a more 'slowly, slowly' approach. The Chairman declared his support for the restriction on the hours of use, saying the application could come back to Committee and be done properly.

The Committee returned to the motion, which when put to the vote was declared carried, there being 7 votes for, 3 votes against and 1 abstention. Whereupon,

It was resolved:

That planning application reference 19/00269/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report and the updated Condition 1 as stated in the Committee Update, but with the removal of Condition 3 relating to the times of use.

Councillor Downey left the Chamber at 3.36pm and returned at 3.39pm.

77. 19/00702/MPO – LAND NORTH OF CAM DRIVE, ELY

Angela Briggs, Planning Team Leader, presented a report (reference U145, previously circulated) which sought to vary clause 1.5 of Schedule 8 of the original S106 Agreement in relation to the delivery of affordable housing.

Members were asked to note that the description had changed and they were referred to the Update Document which set out the following:

Amendment to the application proposal:

'To vary the S106 agreement to facilitate an early review on viability; increase the level of affordable housing on Phase 2 or 3, whichever is the latter, with a further viability review at Phase 5; and to secure the early delivery of the A10 roundabout and associated infrastructure

Amendment to the Recommendation (Paragraph 1.1):

Members are recommended to APPROVE the Deed of Variation to vary the original S106 Agreement to facilitate an early review on viability which would involve fixing the resultant level of affordable housing across Phase 2 or 3, whichever is the latter, with a further viability review at Phase 5; and to secure the early delivery of the A10 roundabout and associated infrastructure.'

The Deed of Variation would secure the earlier delivery of the new A10 roundabout and associated infrastructure; a new clause 7 of Schedule 5 would also be inserted into the agreement to secure the delivery of the new roundabout as part of Phase 3.

A number of illustrations were displayed at the meeting, including a map, aerial view, the phasing plan approved as part of the original S106, and a location plan showing the new roundabout.

It was noted that a draft Deed of Variation document had been submitted and Andy Leahy, from Bespoke Property Consultants was instructed as the Council's independent viability consultant to review the viability position relating to this application.

In terms of the viability position, the delivery of affordable housing would be increased from 10% to 18% across Phase 2 or 3, whichever was the latter. Phase 4 would not deliver affordable housing as it would provide self-build plots, allotments and open space. The second viability review would be

retained (before the commencement of Phase 5) to determine the percentage of affordable housing to be built in that phase.

The Council's independent viability consultant had advised that the increase from 10% to 18% was a viable position and was acceptable and would also give developers certainty leading to continued housing delivery. Members were therefore recommended to agree the variation to the original agreement and approve the application.

At the invitation of the Chairman, Mr Duncan Jenkins, Project Director, addressed the Committee and made the following points:

- He thanked the Case Officer for a clear and concise report;
- The variation would see the early delivery of a further 250 homes;
- The infrastructure for the A10 roundabout would be brought forward early;
- The proposed variation would increase the level of affordable housing;
- He commended Officers and Mr Leahy for having worked well together to produce a good application.

The Chairman noted that Councillor Downey had left the Chamber without indication as the application was being introduced. However, as his absence was very short, he would be permitted to participate in the discussion and voting on this item.

Councillor Schumann was pleased to see there would be another level to check the viability of the affordable housing percentages, and Mr Jenkins confirmed that it was not intended that it should be an aggressive review and he would continue to work with Officers.

Councillor Wilson asked how many affordable homes were to come; the Planning Manager replied that Phase 1 would deliver 10%, Phase 2 or 3 would also deliver 10% but whichever was the latter would be 18%. There would be no affordable housing in Phase 4 and Phase 5 would be subject to further review. The permission was for up to 1,200 dwellings.

Mr Jenkins informed Members of the following figures:

- Phase 1 – 200 units, 20 affordable;
- Phase 2 – 250 units, 18% affordable;
- Phase 3 – 258 units, 10% affordable;
- Phase 4 – 95 units, no affordable but 50 self-build; and
- Phase 5 – 200 – 250 units, affordable subject to viability review.

It was proposed by Councillor Wilson and seconded by Councillor Schumann that the Officer's recommendation for approval be supported. When put to the vote,

It was resolved unanimously:

That the Deed of Variation to vary the original S106 Agreement to facilitate an early review on viability which would involve fixing the resultant level of affordable housing across Phase 2 or 3, whichever is the latter, with a further viability review at Phase 5, and to secure the early delivery of the A10 roundabout and associated infrastructure, be APPROVED.

78. 19/00771/FUM – LAND PARCEL EAST OF 2 THE SHADE, SOHAM

Barbara Greengrass, Planning Team Leader, presented a report (reference U146, previously circulated) which sought permission, on a site of 1.78 hectares (4.39 acres), for the erection of a 70 bed care home, a 60 place children's nursery and 18 dwellings, of which 4 (20%) would be affordable housing, together with public open space.

The application site was located within the settlement boundary for Soham and formed part of a larger site allocation for employment/mixed use under Local Plan Policy SOH9. It consisted of an agricultural field under arable cultivation. The site was adjacent to the existing Northfield Road Business Park and residential properties bounded the site to the north; a Public Right of Way bounded the site to the south with the field beyond allocated for housing within the Local Plan.

It was noted that the application had been brought to Planning Committee because it proposed less than the 30% policy compliant provision of affordable housing units.

A number of illustrations were displayed at the meeting, including a map, aerial view, the layout of the proposal and elevations.

The main considerations in the determination of the application were:

- Principle of Development;
- Visual Impact and Housing Mix;
- Noise and Residential Amenity;
- Access, Highway Safety and Transport Impact;
- Flood Risk and Drainage; and
- Ecology and Biodiversity.

The Planning Team Leader reminded the Committee that there was an extant planning permission for residential development on the site, together with the land to the south. When permission was granted in 2018, it was accepted that there was limited demand for commercial land within

Soham and it would not be viable to bring this land forward for employment use. The principle of residential use was therefore established.

The provision of the children's nursery was acceptable in terms of the locational strategy of the Local Plan and sustainability as it was well located near to existing residents and The Shade Primary School. It would also allow for accessibility by other modes of transport. The applicant had provided evidence of need in respect of the care home, as Policy HOU6 pointed to a significant growth in the population of older people in the area and the proposal would also contribute to the Council's housing land supply shortage.

With regard to visual impact, the development would be prominent along The Shade, but as frontage development it would not appear out of keeping with the mix of development types in the vicinity. An appropriate relationship would be achieved between the care home and the houses with the use of boundary treatment including brick walls and planting. The detached dwelling most visible upon entering the site would provide a feature house with a landscaped frontage.

The design of the scheme was largely reflective of the previous permission and in keeping with the character of the area. Simple rectilinear forms and materials would follow the local palette of buff and red brick, with the use of render and weather boarding. The scheme would also provide attractive feature walls as they were required for security along the front of the care home and nursery.

The Committee noted that the affordable housing mix would be secured by S106 Agreement. Although the 20% provision did not comply with Policy HOU3 of the Local Plan (which required 30%), the Viability Assessment Information – Interim Policy Support document, April 2019, recommended that for Soham, the affordable housing element should be reduced to 20%. This development complied with the document.

Speaking next of noise and residential amenity, the Planning Team Leader said that the scheme had been amended to reduce the bulk of the care home roof at the end close to the residential property. Only the narrower sections of the care home would extend towards the boundary of the neighbouring property and the flank elevations would not contain windows to habitable rooms. The north boundary hedge was to be retained and would be enhanced; where gaps existed, a close boarded fence might be erected, subject to a planning condition to finalise the detail of the boundary.

A Noise Impact Assessment was submitted with the application along with supplementary information. It concluded that the main noise source was from the business park to the east but this could be adequately mitigated by the erection of a carefully placed 2 metre high acoustic fence. The dwellings to the north would not be impacted by traffic noise from the A142, but the Noise Assessment highlighted high noise levels from traffic on The Shade. Along the front façade of the care home, the levels could not be acceptably mitigated with windows open (although windows could be opened at the

occupant's discretion), but passive ventilators would be installed to achieve acceptable internal noise levels.

The access to the site and the off-site road works were all the same as the previous planning approval. The access location had been assessed in respect of accessibility and permeability and deemed acceptable by the County Council Transport Planning team. Two car parking spaces would be provided per dwelling and none were in tandem arrangement; five visitor spaces would also be provided.

The site was located in Flood Zone 1 and a drainage strategy had been developed to enable drainage to be dealt with on this site in isolation. Anglian Water advised that there was capacity in the network for foul drainage flows and changes could be made to permits and processes as and when the need arose.

A biodiversity management plan would be secured by condition and the developer had agreed to make a financial contribution towards the long term arrangement of the Commons.

The scheme was not considered to adversely impact upon any heritage or archaeological assets within the vicinity of the site and accorded with Policy ENV7.

The County Council had requested contributions for education and Life Long Learning. This was accepted in principle by the applicant and would be secured by S106 Agreement.

The Planning Team leader concluded by saying that on balance, there would be no significant adverse impacts that would weigh against the proposal and it was therefore recommended for approval.

At the invitation of the Chairman, Mr Adrian Kearley, agent, addressed the Committee and made the following points:

- The developer had completed more than 150 high quality developments;
- The land identified would address local needs and the housing mix would address the needs of the whole community;
- The dementia and end of life care home would be exemplar and bring savings to the community. There would be jobs for local people, housing would be released, the nursery would address the shortfall in provision and there would be intergenerational activity;
- The proposal respected amenity and there would be extensive areas of landscaping and public open space;

- The overall response to the proposal had been very positive and issues and been addressed;
- The development would complement Soham.

Councillor Jones said he lived off Kingfisher Drive, and whilst appreciating what was being done, he was aware that there was no easy access for children to The Shade Primary School. He asked if the developer had considered a contribution towards a crossing at the end of Kingfisher Drive and was advised that the existing crossing was to be relocated. There had been extensive consultation with the Local Highways Authority and they were content with the proposed scheme. A crossing at Kingfisher Drive was not in the Officer's report as it had not been requested by the LHA.

Councillor Jones said a reassurance about having a crossing would be good and the Planning Manager commented that while it could be discussed, the Authority could not insist on it; it would be picked up in the S106 discussions.

Councillor Schumann asked how many of the 18 dwellings would have tandem parking. Mr Kearney replied that each property would have 2 parking spaces and none would be tandem.

Councillor Wilson, having noted that there was permission for 88 dwellings, was interested to know what would happen to the rest of the field. The Planning Team Leader said that the southern part would come forward; the site had reverted back to mixed use and this would create jobs.

In noting that the roads would be adopted by the County Council, Councillor D Ambrose Smith proposed that the Officer's recommendation for approval be supported. The motion was seconded by Councillor Stubbs and when put to the vote,

It was resolved unanimously:

That planning application reference 19/00771/FUM be APPROVED subject to the signing of the S106 Agreement and the recommended conditions as set out in the Officer's report, with authority being delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission.

79. 19/00887/FUL – LAND ADJACENT TO 2C MOOR ROAD, FORDHAM

Toni Hylton, Planning Officer, presented a report (reference U147, previously circulated) which sought permission for the erection of 4 detached single storey dwellings on a site area of approximately 0.69 hectares.

Members were asked to note the Update Document, which set out the following details:

➤ Change wording of Condition 12 – to read ‘*The boundary treatments shown on 19:002-9 Rev D shall be implemented prior to the first occupation of any of the dwellings hereby permitted. The boundary treatments shall be in accordance with the approved details.*’

➤ For the purposes of clarification in para 2.1, the four dwellings are shown as having a different material pallet;

➤ New Condition:

18. No above ground construction shall take place on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the area, in accordance with Policy ENV2 of the East Cambridgeshire Local Plan 2015.

➤ Conversion from metric to imperial measures

5.5m = 18 feet

24m = 78 feet

30m = 98 feet

40m = 131 feet

70 m = 229 feet

0.69 hectares = 1.7 acres

0.95 hectares = 2.3 acres.

The site was located outside of the established development framework of Fordham, in an area of countryside and it was currently being used as paddock and grazing land. The site adjoined the rear boundaries of dwellings on Carter Street and Grove Park, with open countryside to the north and east.

It was noted that the application had been called in to Planning Committee at the request of Councillor Julia Huffer, as there were concerns with regard to highway safety.

A number of illustrations were displayed at the meeting, including a location plan, aerial view, proposed layout, and layouts/elevation for each of the plots.

The main considerations in the determination of this application were:

- Principle of development;
- Impact on the neighbours;
- Impact on the character of the area;

- Highway safety;
- Flood Risk; and
- Ecology.

Members were reminded that the Authority could not currently demonstrate an adequate five year supply of land for housing. Therefore housing applications should be assessed in terms of the presumption in favour of sustainable development as set out in the NPPF unless any adverse effects of the development significantly and demonstrably outweighed the benefits.

The site adjoined the settlement boundary in a number of places and was therefore considered to be sufficiently well connected, alongside a number of residential dwellings and within close proximity to the facilities and services on offer in the village.

The Planning Officer said that outline planning permission was granted for four dwellings on a slightly larger site and she reiterated that the permission was still extant. There had been no significant change in policy other than the adoption of the Fordham neighbourhood Plan that would resist this development. While it was accepted that the scheme was outside the development envelope for Fordham, contrary to the Neighbourhood Plan, it was at submission an extant permission and it would be unreasonable of the LPA to consider this application anything but in principle acceptable, subject to other material considerations.

Members' attention was drawn to the slide which set out comparisons between applications 17/00871/OUT and 19/00887/FUL. The main difference between the proposals was the site area and amount of footprint for the dwellings. While it would be preferable to see these reduced, 6 dwellings per hectare was considered to be a low form of development. It could not be considered to be overdevelopment and on this basis was considered to comply with Policies ENV1 and ENV2 of the Local Plan 2015.

The main neighbours to be affected by the proposal were 2C and 2B Moor Road, 15, 17 and 19 Grove Park, and 186 – 174 Carter Street. Conditions would be imposed restricting the hours of construction, there would be no conversion of roof space and no extensions or outbuildings. Car ports would remain open and there would be no piling of foundations.

The development would have an urbanising effect on the area, but it would still be considered as low density, having substantial gardens and spacing between the dwellings. On balance, it was considered that any adverse effects on the character and appearance of the area would be outweighed by the benefits of the scheme.

In connection with highway safety, it was noted that the scheme would provide a minimum of two parking spaces per dwelling and safe access within the site that would also enable a fire appliance to manoeuvre. The passing bay would be the same size as that approved in 17/00871/OUT, and with the

provision of a bin store, there would be no need for a refuse vehicle to enter the site.

The proposed development was located in Flood Zone 1 and a sustainable drainage system would be secured by condition.

With regard to ecology and trees, the proposal included a mix of planting and a condition would be imposed requiring a detailed biodiversity scheme.

Looking to the future, some areas were not included in the application and if an application was submitted then possible future plots would require an affordable housing contribution and a renewable energy contribution of at least 10% due to piecemeal development.

The Planning Officer concluded her presentation by saying that the application was recommended for approval.

At the invitation of the Chairman, Mrs Fiona Regan addressed the Committee and made the following remarks:

- She resided at 15 Grove Park and asked that the Committee refuse the application;
- Permission had been given for up to four two bedroom bungalows that would be landscaped so as not to give a built up feel. They would be facing outwards toward the Moor and ECDC had been very specific about this;
- Responses from 20 neighbouring properties wanted the application rejected and valid points had been made regarding the very narrow Moor Road;
- The road was used by three farmers and their vehicles, and with these four dwellings, there would be an additional twelve cars;
- There was no passing place and no footpath. This was mission creeping and it was felt that there had been an appalling abuse of trust by the applicant;
- The village had a plethora of 4 bed dwellings being built, and what it needed was 2 bed properties and the footprints shown were twice the size of the original footprints;
- She cared about what was right and fair, and promises needed to be upheld;
- The design and layout was not what had been approved and she asked that the application be refused.

At the invitation of the Chairman, Mr Jamie Palmer, agent, addressed the Committee and made the following points:

- The access was in the same place as it had been before and was fully compliant;
- Councillor Huffer had called in the application as she had concerns regarding highways and a footpath. There had been revisions to the scheme and County Highways now had no objections;
- The access and passing place were as originally proposed and would improve the current situation. The measurements could have been supplied to the Parish Council;
- The bin store had been moved so as to mask unsightly containers;
- There are no two or four bedroom bungalows on the market in Fordham. The proposal adhered to the previous ridge and eaves height;
- The proposal is larger but Permitted Development Rights (PDR) were not removed at the outline stage on the previous application, so if that permission was implemented, the dwellings could have been extended without requiring planning permission ;
- This permission removed Permitted Development rights and allowed control. This could include outbuildings and allow extensions to be built, but only with the consent of the Local Planning Authority;
- He disagreed with the Parish Council that the proposal was detrimental.

Councillor Wilson enquired why some of the garages had been changed to car ports, and Mr Palmer replied that the intention was to provide a mix.

Dwelling on the issue of extensions, Councillor Trapp asked if Mr Palmer was suggesting that there should be bigger developments; Mr Palmer said he felt that the developable form on the site could be bigger.

At the invitation of the Chairman, Parish Councillor Kelli Neale addressed the Committee on behalf of Fordham Parish Council and read from the following prepared statement:

'You would have already read the comments of the Parish Council in respect of this application and I do not intend to go over that again but to take you back to a previous application No. 17/01239/OUT approved 11th August 2017 for residential development for the construction of 4 bungalows submitted by Oxygen Real Estate Group. You will also have in front of you the Community Consultation Leaflet by Oxygen Real Estate Group.

You will see that Oxygen's initial proposals were for 4 large detached homes but following a meeting with the Parish Council the proposal was changed to 4 small bungalows suitable for older people wishing to downsize and young people looking to get on the housing ladder. As a result the Parish Council raised no objections as Consultees and the application was approved.

At this point I would draw your attention to Condition No. 17 of that approval 'The number of dwellings hereby approved shall be limited to four and each dwelling shall have a maximum height of 5.5 metres, a maximum eaves height of 2.5 metres and a maximum footprint of 12 metres x 15 metres or 180 square metres.' The Parish Council were satisfied and happy with that condition as it ensured that its objectives had been achieved.

The Parish Council take the view that these conditions were put in place to ensure that only affordable properties are built. If that not be the case, what is the point of such conditions if they can simply be dismissed by a new application. So we are back where we were in 2017 but with an application for 4 large 4 bedroom properties which does not have the support of the Parish Council or the community.

You now have to consider the new application for the same site from a different Applicant. This applicant would have been aware of the planning approval and all the conditions attached when purchasing the land.

Since the approval of application No. 17/01239/OUT the Fordham neighbourhood Plan has been adopted and therefore this new application is subject to the FNP and has to comply with it.

Once adopted, Neighbourhood Plans hold considerable legal status. Planning decisions will be taken in accordance with Neighbourhood Plans and the other plans and strategies which make up the Local plan, unless material considerations indicate otherwise.

The proposed development is outside the development envelope of the village as shown in the FNP. The layout of the buildings is poor with large expensive bungalows bunched up and facing each other in comparison to the approved application where all the properties are well spaced and looking out over open countryside.

The Parish Council ask why it is necessary to design such a layout when there is ample room for the properties of this type to have more spacious plots of land as that which has already been approved. The previously approved application does comply with the FNP, where sites are immediately adjacent the development envelope for affordable housing.

I would like to demonstrate the importance of our Neighbourhood Plan:

An appeal against the refusal of 5 houses on the Soham Road, Fordham was dismissed by the Inspector. Application reference .18/01020/FUL dated 22nd July 2018 was refused by notice dated 20th September 2018. This was before the FNP was adopted, however the appeal was made after the FNP was adopted.

The Inspector attached great importance to our Neighbourhood Plan in his decision and I quote:

'Subsequent to the Council's decision but prior to the submission of this appeal, the Fordham Neighbourhood Plan 2016-2036(NP) was made and became part of the

development plan for the area. I must take that document into account in assessing this appeal, as part of the current development plan for the area. This is in line with the legal obligation on planning decision makers to have regard to new material considerations up to the time that the decision is made.'

The Committee should not be persuaded that a principle of development has been established simply because of the previous approval. All new applications are now subject to the FNP and we ask the Committee to follow the guidance of the Inspector in that recent appeal and refuse this application.'

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

'This site has been the subject of numerous applications, refusals and appeals until following the failure of the 2018 Local Plan which allowed for permission to finally be granted for 4 dwellings. The Fordham Neighbourhood Plan is now in effect and has proved effective in restricting development to areas acceptable to the village. This has never been a popular site with local residents and that has not changed but the mitigation of 4 small single storey dwellings suitable for first time buyers or residents wanting to downsize but remain in the area made it more appealing to the Parish Council and local residents. However once again a developer has completely ignored the wishes of local people and also failed to recognise that 4 more executive houses simply aren't what is needed in a village already overwhelmed with in excess of 500 new dwellings currently with planning permission and awaiting development. We need affordable housing for local people; please to help us to achieve that. I endorse Councillor Neale's statement wholeheartedly.

You will have seen yourselves this morning the site and narrowness of the road, however had you been there two weeks ago you would have witnessed a very wide range of very large agricultural vehicles, sugar beet harvesters, tractors with trailers and HGV vehicles queuing to take away the crop. This is a road widely used by this type of vehicle on a daily basis and yet once again Cambridgeshire Highways have completely ignored the guidance of the Rural Road Design Criteria, clause A6.10 that states that 'the combined width of a single track road plus parking bay shall be 5.5 metres over a length of 5 metres (or 15 metres where likely to be used by buses to heavy goods vehicles).'

Moor Road is heavily used by 38 tonne HGV's together with combine harvesters and delivery lorries accessing the farms both arable and livestock that are located along the road. At the position of the passing bay shown on the drawings the existing carriageway is only 3.1 metres and the verge is 2.4 metres to the edge of the ditch. Can Highways explain why it made no comments about this or do Cambridgeshire Highways not have to abide by thi ruling. This is not the first time that Fordham has been let down by Cambridgeshire Highways but I hope it will be the last. The failure of the department to assess the impact of their decisions on local people, the apparent lack of understanding of a busy rural village resulted in one Officer designating the road that runs past the site of the new Co-op, which at times sees in excess of 500 cars, buses and lorries an hour, as a 'quiet B road', an

assessment which indicated to me that that particular person had never left his desk or didn't live in the real world. One elderly resident died last week as the result of being struck by a van on this 'quiet B road' crossing from the site of the new Co-op, a development which the Parish Council and I fought hard to stop but following the lack of proper assessment of the road by Highways was eventually granted permission by the Inspectorate. We warned at the time that lives would be lost, I am saddened and horrified that we were correct on that occasion. Please ensure the safety of our residents and ask Highways to do their job properly. If the development must go ahead, the very least we need to do is to keep the many dog walkers, rambles and other users of Moor Road safe. How many people have to die or suffer injury until we are listened to?'

Councillor Schumann endorsed Councillor Huffer's comments about Highways, but said that the access to the site and passing bay remained unchanged. He felt the Committee was in a difficult position because there was the potential for extensions to the previously approved application and Members had to look at the differences. Councillor Huffer responded, saying that she believed Highways to be fudging; the farmers had to be accommodated, they had been there for centuries. The village needed 2 bedroom houses and it already had in excess of 500 live applications.

The Planning Officer said that while the access was in a similar position, it was the same layout and provided the same visibility.

Councillor Trapp queried the dimensions of the passing place and was advised that the useable space was approximately 8 metres long and 1.8 metres wide.

Councillor Stubbs remarked that the Parish Council did not seem to agree that the decision for the access had been made before the Neighbourhood Plan. The Planning Manager replied that the original decision was approved before the NHP but now conflicted with it, although there was an extant permission on the site for 4 dwellings and that had to be taken into consideration. Councillor Stubbs went on to ask if there would have to be affordable housing on the other piece of land if it came forward or, in the light of the NHP, could that application be refused. The Planning Officer replied that at this point she could not say, but affordable housing and energy contributions would be a necessity as if it came forward it would be considered piecemeal development.

Councillor Jones wished to know, with an extant permission, if the builders could apply for extensions to 2 bedroom properties and he was advised that once the properties were built, it would not be necessary to seek permission to extend as this could be done under Permitted Development Rights (PDR).

The Chairman drew Members' attention to recommended Conditions 16, 17 and 18, and the Planning Manager clarified that not every PDR was being removed, just those relating to roof space, extensions, sheds and car ports.

Councillor Schumann said that as a Ward Member and having served on the Planning Committee for nine years, he had built up knowledge and he could see no material reason to refuse the application. He had every sympathy for the Parish Council and residents, but he did not see how the Committee could go against the Officer's recommendation.

It was duly proposed by Councillor D Ambrose Smith and seconded by the Chairman that the Officer's recommendation for approval be supported. When put to the vote, the motion was declared carried, there being 10 votes for and 1 vote against.

It was resolved:

That planning application reference 19/00887/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report and the updated Condition 12 and new Condition 18 in the Committee Update.

There followed a short break between 5.11pm and 5.20pm.

80. 19/00897/FUL – THE THREE PICKERELS, 19 BRIDGE ROAD, MEPAL

Molly Hood, Planning Officer, presented a report (reference U148, previously circulated) which sought permission for the temporary erection of a single storey marquee between the months of April to October. The application also sought permission for an outside bar and store which were situated within a converted shipping container.

The marquee and outside bar were proposed to be used for functions as part of The Three Pickerels, and the shipping container would form a permanent structure on the site. It was noted that the structure had already been in use throughout 2019 and was present at the time of the Officer visit.

Members were asked to note the Update Document, which set out the following details:

Additional comments received from Natural England:

The following comments have been added after discussions with the SSSI officer. The development is located within the boundary of the Ouse Washes Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site. However, disturbance impacts to the notified and qualifying bird features of the internationally designated site are likely to be limited by distance to sensitive bird habitat and the buffering effect of the Hundred Foot River and built infrastructure. However, you should ensure that the applicant submits sufficient information to enable the Council, as Competent Authority under the provisions of the Conservation of Habitats & Species Regulations 2017 (as amended), to prepare a Habitats Regulations Assessment (HRA) to demonstrate that development will not have an adverse effect on the integrity of the SPA, prior to determining any planning application. The HRA will need to consider all potential pathways for impact in view of the qualifying features and conservation objectives of the Ouse Washes SPA, including consideration of any disturbances to birds through noise and lighting, along

with details of appropriate mitigation measures to address any adverse effects.

As a result, an additional reason for refusal is recommended as follows:

'Insufficient information has been provided to enable the Local Planning Authority, as Competent Authority, to undertake a Habitats Regulations assessment to demonstrate that development will not have an adverse effect on the integrity of the Ouse Washes Special Protection Area. The proposal is therefore contrary to Policy ENV7 of the East Cambridgeshire Local Plan.'

The application site was a detached building with the permitted use as a hotel, known as The Three Pickerels. It was set back from the highway and accessed from a further road off Bridge Road. Parking for the site was to the front of the building and adjacent to the north-west was the New Bedford River, which formed part of the SSSI and Ramsar site of the Ouse Washes. The site was outside of the defined development envelope but there were a number of residential properties in close proximity.

The application was called in to Planning Committee by Councillor Lorna Dupré. She believed that the marquee was a temporary structure with no permanent detrimental impact on the Grade II listed property and the applicants had worked hard to make close neighbours aware of the events. Additionally, the holding of events was already permitted inside The Three Pickerels and there was nothing to stop people congregating in the gardens. The site was low risk for flooding and people already parked on the road which is for short periods of time, with very limited impacts.

A number of illustrations were displayed at the meeting, including a site location plan, site constraints, the proposal, elevations and photographs of the location.

The main considerations in the determination of this application were;

- Principle of development;
- Residential amenity;
- Visual impact;
- Heritage assets;
- Highways matters; and
- Flood risk.

With regard to the principle of development, the proposal was outside the development boundary and it was considered to have failed to meet the criteria as set out within Policy EMP2 of the Local Plan 2015 in relation to residential amenity.

It was considered that the location of the marquee and shipping containers would not result in overshadowing and overbearing as the structure itself did not sit directly adjacent to the neighbouring residential properties. However, a number of comments had been received that had raised concerns over the disturbance caused by the events held in the marquee and site. In particular it was the noise and light disturbance that had caused issues with the surrounding residents. Environmental Health had also received complaints and advised that at present, with the information provided, they would be unable to support the application. It was considered that due to the close proximity of the site to residential dwellings, there would be significant harm to residential amenity.

The proposed marquee was visible from numerous viewpoints and the greatest view was from the public footpath which ran along the site to the east where the full scale of the structure was at its most visible from this point. Concerns had been raised by the surrounding properties that the containers were out of keeping with the area. The location, scale and form of the marquee was not sympathetic to the existing character of the area and the proposal was not considered to result in any enhancement to the visual appearance of the area. It was considered to create a dominant feature to the rear of the venue and whilst it was understood that this was outdoor space that could be used in conjunction with the pub, it did not mean that structures that had such visual prominence and detriment to the area should be permitted.

The colour and scale of the marquee added to the presence of the structure and the white was very prominent against the traditional materials of the surrounding buildings. It was considered that the colour and materials were not sympathetic to the surroundings and created prominence in the street scene.

Turning next to highways and parking provision, it was noted that the Local Highways Authority had objected to the application on the grounds that the proposal did not incorporate adequate on-site vehicular parking and manoeuvring facilities. There was insufficient off-street parking provided as part of the application and the increase in on-street parking would be to the detriment of highway safety. It was considered that with the restricted information on the capacity of the function space, insufficient detail regarding the existing parking layout and minimal detail on the proposed parking or transport procedures, the application failed to meet policy.

With the site being located in Flood Zone 3, the impact that the proposal would have on flood risk had to be taken into consideration. Additionally the site was located within an area designated as flood storage and benefitted from no flood defences. The information submitted by the agent contained some inaccuracies and was considered insufficient to appropriately assess the flood risk. The Environment Agency was consulted on the application and objected to the submitted Flood Risk Assessment (FRA) on the grounds that it did not comply with the requirements for the site specific flood assessments. Furthermore, the Environment Agency considered that the FRA had failed to consider the risk of residual flooding.

Additionally, due to the site's location in the SSSI, the Local Planning Authority had to carry out a Habitats Regulations Assessment (HRA). However, sufficient information had not been submitted with the application to inform the conclusions of this assessment. It was noted that carrying out a HRA was a requirement of legislation. If this was not prepared then the Council could be opening itself up to be challenged under Judicial Review.

In concluding her presentation, the Planning Officer said that the harm caused by the proposal was considered to outweigh any benefits and therefore the application was recommended for refusal.

At the invitation of the Chairman, Ms Emily Dunnett addressed the Committee in support of the application and made the following comments:

- She ran the pub with her sisters. They had taken it on seven years ago and it was run as a family business;
- Time and money had been spent on renovations, including landscaping, paving and decking, all enhancements;
- Fourteen pubs closed each week in Great Britain and there needed to be a change of model. The Anchor at Sutton was closing;
- They had cleaners, bar staff and a chef who all relied on them;
- They were doing everything for the good of the village and made every effort to appease the neighbouring residents, including providing a mobile number to use for complaints;
- She felt it was unfair of Natural England to tell them the day before the Committee meeting that they needed to provide information;
- Bridge Road had always been used for parking but it could be suggested to patrons that they came by bus or taxi;
- Residents along the road could see no issue with the proposal;
- The pub and marquee were 2 metres higher than the surrounding area and the lower part of the gardens was in Flood Zone 1, and she could not see why this was Flood Zone 3;
- She was happy to accept conditions, as thousands of pounds had been invested in the business.

Councillor C Ambrose Smith remembered the previous planning application and asked whether that proposal was still being taken forward. Ms Dunnett replied that it was, but much would depend on today's outcome.

Ms Dunnett then responded to comments and questions from the Committee.

Councillor Trapp asked if thought had been given to disguising the appearance of the container and Ms Dunnett said it could be made to look more in keeping with its surroundings. She also advised him that 14 events were held between April and October and it was not efficient to take down the marquee between events.

Referring to visual impact, Councillor Jones enquired whether there was room to reduce the size of the marquee, or did the proposal depend on the size. Mr Dunnett replied that it was not something that she had really thought about. At the moment, they could seat 100 people in the marquee and for an evening event, it could be between 110 – 200 people.

In response to a question from Councillor Wilson, Ms Dunnett confirmed that she had looked at better soundproofed marquees as well as the location of the DJ and the band.

Councillor Jones asked if it would be feasible to have a transport management system within the planning process and the Planning Officer replied that with only 13 parking spaces, she did not see how it could work in relation to guests.

Councillor Wilson enquired whether planning permission would be required for a marquee that was only put up 'on odd days'; the Planning Manager advised that it could be erected and taken down but this was about permanency. She also clarified that the container required permission as it was classed as a structure, however, containers did not have PDR's.

Councillor Downey, having noted the Environment Agency's objection, asked for clarification regarding the situation. The Planning Manager referred Members to the Agency's comments on page 5 of the Officer's report in which they recommended refusal. She also said that the Authority was bound to conduct a Habitat Regulations Assessment, hence the additional reason for refusal.

Councillor D Ambrose Smith asked if the applicant could withdraw the application and work with Officers to address the issues raised and then bring it back to Committee. The Planning Manager advised that there was a wealth of work to be done; Members should decide on what was before them today, but the applicant could make a free re-application within 12 months.

Councillor Schumann said he was desperate to find reasons to grant approval and he commended such an entrepreneurial young lady. He believed the options were to defer, approve or refuse the application, but whatever, there were many issues to resolve. Some matters would be very expensive and some would not be resolved, and he felt that there was no choice but to accept the recommendation for refusal; he found it very frustrating.

Councillor Wilson thought the situation with Natural England to be a nonsense, the site did not have any animals living there and he thought there could be things done to address their objection. The Planning Manager

reiterated that it was nothing to do with animals on the site, it was located within a SSSI which was of national importance.

Councillor Stubbs said she felt for the community but she agreed with Councillor Schumann's comments. The facts spoke for themselves and she would be minded to second a proposal for refusal.

Councillor Downey said he was minded to support deferral of the application, as he could understand why there had been no start on the previous application. He was less concerned about parking and would vote against the Officer's recommendation.

Councillor C Ambrose Smith suspected that if the application was repeatedly refused. It would end up as another 'nail in the coffin'. Whilst understanding the objections, she believed that things had to change.

It was proposed by Councillor Schumann and seconded by Councillor Stubbs that the Officer's recommendation for refusal be supported on the basis that recommendations 1, 2 and 3 could not be overcome. Failure could put the Council at risk of judicial review.

When put to the vote, the motion was declared lost, there being 4 votes for and 7 votes against.

Councillor Downey asked for how long the application could be deferred and the Planning Manager said that as this was not a simple case, there should be a timeframe of four months.

It was duly proposed by Councillor Downey and seconded by Councillor Wilson that consideration be deferred for four months.

When put to the vote, the motion was declared carried, there being 10 votes for and 1 vote against. Whereupon.

It was resolved:

That consideration of planning application reference 19/00897/FUL be DEFERRED for 4 months to allow the applicant time to overcome the reasons for refusal as set out in the Committee report and the Committee Update.

81. 19/01373/FUL – LAND WEST OF SAUNDERS PIECE, ELY ROAD, LITTLE THETFORD

Andrew Phillips, Planning Team Leader, presented a report (reference U149, previously circulated) which sought permission for the change of use of land to a mix of Gypsy and Traveller residential and equestrian, with the siting of a single pitch to provide six caravans of which no more than two could be mobile homes, and the erection of an amenity building and stable block. The proposal included a new access located off a layby on the A10.

Members were asked to note the Update Document which set out an objection received from Stretham Parish Council after the publication of the Committee Agenda:

‘Stretham Parish Council would like to object to the planning application on the following grounds:

- *The site will cause traffic issues to and from the site;*
- *It is an unsustainable location in terms of transport and footpaths;*
- *Overdevelopment of the countryside;*
- *It will interrupt an important view of a Grade Listed Building, Ely cathedral.*

Policy HOU9 Gypsies, Travellers and Travelling Showpeople sites should have been included in paragraph 6.1’

The site, which was located in Flood Zone 1, comprised a field of scrub land, accessed off a layby on the A10 between Stretham and Little Thetford. The ground level of the site dropped significantly from the level of the adjacent highway and layby and was bounded along the boundary by a fence and gate. There was currently a derelict caravan situated on the site. Saunders Piece Camping & Touring Caravan site was located to the east of the application site and it was also accessed off the same layby on the A10.

It was noted that the application had been called in to Committee by Councillor Lisa Stubbs as she believed the application would benefit from a wider debate and discussion at Planning Committee.

A number of illustrations were displayed at the meeting, including a location map, aerial view, access and layout of the proposal, and elevations.

The main considerations in the determination of this application were:

- Principle of development;
- Highway safety;
- Character and appearance of the countryside, the setting of settlements, and the historic and natural environment; and
- Residential amenity.

The Planning Team Leader stated that the proposed occupiers had been acknowledged as having Traveller status. Although the Authority did not have an extensive waiting list for Council Traveller sites, it did have a couple of applications for pitches. The very low known need for additional pitches meant that ‘need’ was granted very little weight. However, there was likely to be ‘unknown need’ and this should be afforded weight as it could not be demonstrated that there was no need. With regard to sustainability, the proposed site was in a rural location but it was no more remote than other

nomadic communities. It was considered that the proposal complied with Policy HOU9 of the Local Plan.

The Local Highway Authority had no objections to the proposal, subject to conditions ensuring the access and gates were located as per the submitted plans. The highway safety impacts were considered acceptable and the scheme would provide sufficient space for parking.

It was noted that the site was mainly visible from Broad Baulk, nearby Public Rights of Way, the A10 and adjacent layby. Being located adjacent to the existing Camping & Touring Caravan site, the presence of caravans in this area of the countryside was already an established feature. The land level, fencing and trees of the site were comparable to the adjacent site and the visual prominence was therefore likely to be low. It was considered that the proposal would not harm any heritage asset, including Ely Cathedral, due to its modest scale and significant separation distance.

The ECDC Traveller Liaison Officer had said that there could often be tension between English and Irish Travellers. However, the Planning Team Leader reminded the Committee that cultural or racial tensions were not a material planning consideration.

With regard to other matters, it was noted that surface and foul water drainage could be secured by condition, as could contamination investigation. The change of use to paddock and the provision of stables was considered to be an acceptable countryside use causing no harm.

The Planning Team Leader concluded his presentation by speaking of the planning balance. The only identified harm that could not be mitigated against was the site's remote location. However, given the locations of planning permissions for other sites in the locality and existing sites, the application site would be a comparable distance to local services and facilities.

It was accepted that there was probably a need for further Gypsy and Traveller pitches. It was considered that the benefit of one pitch providing up to six caravans was not outweighed by the modest level of harm caused by the proposal. The application was therefore recommended for approval.

At the invitation of the Chairman, Ms Beverley Carpenter, Cambridgeshire Traveller Support Network, and Mr Jimmy O'Brien, applicant addressed the Committee and made the following points:

Ms Carpenter:

- She commended the Officer for highlighting the recognition that there were sometimes personal considerations;
- The tensions between communities had been addressed and it was unlikely there would be an imbalance;

- Mr O'Brien had traded at local fairs for 17 years and she had known him for 10 years. He contributed to an harmonious atmosphere and he was very well respected;
- The Parish Council had concerns regarding traffic safety, but there were plans to improve the road and the comments about cyclists etc were irrelevant;
- This was a good site with high hedges and it was planned to be low impact with environmental improvements;
- Mr O'Brien would say a few words about specific needs, because there were many unseen and stress was a significant one;
- He had four children, three of whom were grown up.

Mr O'Brien:

- He wanted a place for his family to go to, somewhere where he could provide a home for his children;
- He had heart problems and was diabetic and his mother in law was about to have an operation.

Councillor C Ambrose Smith asked Mr O'Brien if the site would be his permanent base, to which he replied 'yes'. Mr Carpenter added that Mr O'Brien would travel for work but he would need a secure base.

The Chairman reiterated that Members were considering the application on its planning merits; health matters were not a material consideration.

At the invitation of the Chairman, Councillor Graham James, Little Thetford Parish Council, addressed the Committee and made the following remarks:

- Several villagers had approached him with their concerns but they wanted to remain anonymous as people had been threatened the last time they raised concerns;
- The issues were sustainability, environmental impact and need and the report mentioned 'potential needs';
- It appeared to the Parish Council that current provision had been identified nearby;
- They were disappointed by the County Council's response in relation to sustainability and this road was used by heavy goods vehicles and they were concerned about people using the access points;

- There were only four designated parking spaces, but the site was for two mobile homes and four towing caravans. There was no space on site if they were keeping land for grazing;
- There was no crossing point and the applicant would have to rely on their own transport;
- In connection with the environment, the site could impact on the environment due to lighting and the application failed to take into consideration lighting for safe access and egress at the site;
- The works were to be completed based on affordability, but there were no time frames.

Councillor Trapp wondered whether the access from the site to the A10 also applied to the Saunders Piece site. Councillor James replied that it did, but they did not cross the A10 and use the roundabout to turn around and this did not seem to have been taken into account by Highways.

The Chairman said that there seemed to be some confusion regarding the location of the site, and at his request, the Democratic Services Officer read out the objection from Stretham Parish Council.

Councillor Schumann asked the Planning Team Leader if there was anything about space in the Supplementary Planning Document and the size of the site, as he had noticed that some of the comments related to overdevelopment. The Planning Team Leader replied that the site was 7,800 square metres.

Councillor Trapp believed there was a limited need for further sites and Councillor Jones asked if the applicant would be in breach if more than the permitted numbers of mobile homes were parked on the site; he also asked if there were any Permitted Development Rights. The Planning Team Leader replied that there would be no breach because the application had planned for expected numbers and the Authority was limiting the number of mobile homes on the site. There were no Permitted Development Rights;

Councillor Stubbs said that as a local Member, a number of residents had come to her about the scheme. She was approaching this application with an open mind and had listened to what Councillor James had to say as the Parish Council was a consultee. She proposed that the Officer's recommendation for approval be rejected on the grounds of sustainability, light pollution, impact on the character of the open countryside, very damaging visual impact, and no Tree Protection Orders.

The motion was seconded by the Chairman and when put to the vote, declared lost, there being 2 votes for and 9 against.

Councillor Trapp considered the Parish Council objections to be very light; the Cathedral was not visible during the Member site visit today, there was already some development in the locality and there was already a caravan site there.

Councillor Jones concurred, adding that he did not believe the proposal would impact on the environment; the remote location would be more beneficial to the community.

Councillors Downey and Wilson expressed their support for approval of the application. Councillor Wilson said that if Highways considered there to be no traffic issues, then there were none. The location was unsustainable but this did not apply to Travellers because they were subject to different rules and policies in the Local Plan. The Council should be supporting people wanting to live a different lifestyle. This seemed to be a good location and he believed that if the application was truly objected to, the public gallery would be full, and it was not. The family would benefit from living in the District.

Councillor D Ambrose Smith added his support for the application, saying that it would be positive for the family. They could integrate into the community, and education could be provided for the children.

Councillor Austen informed the Committee that there was another Traveller site further up along the A10, which was very tidy and never had any trouble.

Councillor Schumann expressed his support, saying that the area was hardly open countryside. One might see horses and there was nothing more sustainable than that. The nature of Travellers was such that they came and went, and he believed it would be better for them to be near a main trunk road.

Councillor C Ambrose Smith said she had always felt that everyone needed a home to come home to, with access to education and healthcare.

It was proposed by Councillor Trapp and seconded by Councillor C Ambrose Smith that the Officer's recommendation for approval be supported.

When put to the vote, the motion was declared carried, there being 9 votes for and 2 votes against. Whereupon.

It was resolved:

That planning application reference 19/01373/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

Councillor Stubbs left the meeting at 6.50pm.

82. 19/01421/OUT – MOBILE HOME AT 1A CHAPEL LANE, SOHAM

Dan Smith, Planning Consultant, presented a report (reference U150, previously circulated) which sought outline permission for the erection of a chalet bungalow, garaging access and associated works. Approval was also sought for the detailed matters of access and scale, with other detailed matters of appearance, layout and landscaping reserved for future consideration.

The current application was for the same development as was recently refused by the LPA under reference 19/00404/OUT, on the grounds that the site was within Flood Zone 3 and was unsustainably located.

The application site was located at the corner of Chapel Lane and Great Fen Road. The land formed part of the wider site at 1A Chapel Lane and was enclosed by mature boundary hedging. The mobile home currently stationed on the land was granted a personal planning permission in 2013. There were a cluster of buildings in the immediate area, including a chapel building on the opposite corner of Chapel Lane.

The site was located in Flood Zone 3 and was therefore considered to be at a high risk of flooding. It was in the countryside, over 2.5 miles outside of the nearest development envelopes of Soham and Prickwillow.

A number of illustrations were displayed at the meeting including a map, aerial view, indicative layout and indicative elevations.

The main considerations in the determination of this application were as follows:

- Principle of development and 5 year land supply;
- Flood risk and drainage; and
- Sustainability of the site.

Members were reminded that the Council could not currently demonstrate a 5 year supply of available housing land. In such a situation, the NPPF required that applications for housing be approved unless the application of specific policies within the NPPF provided a clear reason for refusing the application, or the adverse impacts of approving the application would significantly and demonstrably outweigh the benefits derived from the development.

The proposed development would not comply with Policy GROWTH2 which sought to direct new dwellings to the most sustainable locations within the District and by virtue of its location within Flood Zone 3, it was unacceptable in principle.

With regard to flood risk and drainage, it was noted that the proposal failed both the Sequential and Exceptions Tests. It was considered that there were a number of other reasonably available sites for housing within the locality that were at a lower probability of flooding. Therefore the application had failed to demonstrate that the proposed dwelling was necessary in this location. The application also did not present any arguments as to the wider community sustainability benefits and it was not considered that any substantive benefits to sustainability would result from the development.

The Planning Consultant said it was important to note that this also meant that the application was contrary to specific policies within the NPPF relating to flood risk which provide a clear reason for refusal. As a result the

'tilted balance' regarding the 5 year land for housing supply situation is not engaged.

In terms of the location of the site, it was over 4 kilometres from the development envelope of Soham. There was no public transport serving the site and Great Fen Road was an unlit, national speed limit road with no footpath or cyclepath links. Access to the services and facilities provided in the surrounding area including public transport links further afield were therefore not considered to be safely or conveniently accessible by sustainable modes of transport.

It is considered that the occupants of the dwelling would therefore be almost entirely reliant on private motor vehicle for access to basic services, facilities, employment opportunities and socialising. This would not be sustainable either in respect of the environmental dimension of sustainable development or the social dimension. The site is therefore considered to be unsustainable for a new permanent dwelling.

Speaking of visual amenity, the Planning Consultant said that the scale of the proposed dwelling was considered acceptable. While there were elements of the appearance of the dwelling which were not in keeping with the prevailing character of dwellings in the area, these were only indicative at this stage and the appearance of the dwelling would be reserved for future consideration.

In concluding his presentation, the Planning Consultant said the site was at risk of flooding, it was contrary to the NPPF and the 'tilted balance' was not engaged. There were only limited benefits derived from a single dwelling and even if the 'tilted balance' applied, the harm would outweigh the benefits of the scheme. The application was therefore recommended for refusal.

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

- The application site was located in a cluster of dwellings and would be a continuation of the linear development;
- It was well bounded by hedging;
- Other applications in the locality had been approved;
- This refusal focussed on sustainable development and flood risk, there were no issues regarding scale;
- Great Fen Road and Hasse Road had always been known as Soham Fen and this proposal would reinforce that community;
- Not everyone wished to live in an urban environment. This area had a bus service for the schools and was served by delivery drivers and the postal service;

- The Environmental Agency had requested further details regarding flood risk and did not have any objections;
- The Council was unable to demonstrate a five year supply of land for housing and therefore the presumption should be in favour of sustainable development;
- The application would have no adverse impact.

Councillor Jones wished to know why the Town Council opposed the application and Mr Fleet replied that it was the same stance as with the previous application.

The Chairman commented that the County Council had to pay enormous amounts to transport children to and from school as people built houses in unsustainable locations.

Councillor C Ambrose Smith wondered if the issue of flood risk could be overcome by raising the floor levels; Mr Fleet said that mitigation measures had already been suggested.

The Planning Consultant reminded Members that the Environment Agency did not object to one aspect of the Exceptions Test, but had made it clear that it was for the Local Planning Authority to carry out the Sequential Test.

Councillor Jones, being mindful of the Town Council's objections and the Case Officer's comments regarding flood risk, said that this application should be given serious consideration. The NPPF was there to provide quality housing and Members should take note of it

The Chairman referred to the recent flood problems elsewhere in the country and thought that the Officer's recommendation should be supported. He had concerns about why the application had been called in and reiterated that there should be good planning reasons, as each call in cost approximately £1,000. He believed the site to be unsustainable, and in the light of this, he proposed that the Officer's recommendation for refusal be supported.

Councillor Jones seconded the motion and when put to the vote, it was declared carried, there being 7 votes for, 2 votes against and 1 abstention.

It was resolved:

That planning application reference 19/01421/OUT be REFUSED for the reasons given in the Officer's report.

Councillor Schumann left the meeting at 7.12pm.

83. 19/01470/OUT – SITE SOUTH OF 60 LONGMEADOW, LODE, CB25 9HA

Barbara Greengrass, Planning Team Leader, presented a report (reference U151, previously circulated) which sought consent for the erection of up to four dwellings with a new access from the public highway of Longmeadow. The only matter to be considered at this stage was access; all other matters would be dealt with at the Reserved Matters stage.

Members were asked to note the Update Document, which set out the following details:

Amendment to Condition 3 of the Officer's report. This should state 2 years instead of 3;

The scale on the drawing 'Access Assessment' had been amended 1:250. Therefore the access width has changed to a minimum width of 5 metres for a minimum length of 10 metres;

As a result, an amendment is required to the approved plans list and Condition 7, which should now read as '*The access shall be a minimum width of 5 metres, for a minimum distance of 10 metres measured from the near edge of the highway carriageway and thereafter retained in perpetuity.*'

The site was adjoined to the defined settlement boundary of Longmeadow and currently formed part of an open field with well established hedgerows on the southern and northern boundaries as well as a few trees on the front boundary. Beyond the rear of the site there was a further mature hedge which defined the boundary of the larger field. Adjacent to the site on the northern boundary was a detached residential dwelling, and to the south was an agricultural field.

The application had been called in to Planning Committee by Councillor Charlotte Cane as the site was open countryside and was not considered for development in the 2015 Local Plan. Additionally, the site was of significant archaeology and the grassland, species rich hedge and trees were important habitats on the site.

A number of illustrations were displayed at the meeting, including a location map, aerial view, the proposal and indicative layout, and photographs of the streetscene.

The main considerations in the determination of this application were as follows:

- Principle of Development;
- Residential Amenity;
- Visual Impact; and
- Highway Matters.

With regard to the principle of development, the application site was located adjacent to the settlement boundary for Longmeadow. It would be well linked to the hamlet and whilst Longmeadow itself had no facilities, there were footpath connections to Swaffham Bulbeck and Lode. Additionally the proposal would contribute up to four dwelling to the local housing supply and would be beneficial in the short term to the local economy through construction stage.

In terms of residential amenity, layout, scale and appearance was not for consideration at this stage, however, the indicative layout indicated acceptable plot sizes for up to four dwellings. Any proposed dwellings would need to have a sympathetic relationship with surrounding properties. In particular the proposal should be appropriately designed to ensure no overlooking, overbearing or overshadowing occurs to No.60 Longmeadow., as this was the closest neighbour to the site.

Turning next to the issue of visual impact, the Planning Team Leader said that the well-established boundary treatment to the south formed the natural end of the settlement. Development on this site was not considered to be out of character as it would form a natural end to the built form of the settlement, as the well-established boundary treatments formed a natural definitive line to the open countryside beyond. Matters of layout, appearance and scale would be considered at the Reserved Matters stage, but any proposal submitted should respect the existing linear development pattern of Longmeadow and the characteristics of surrounding dwellings.

It was noted that the Local Highways Authority had no objections to the scheme. The proposal would provide sufficient visibility splays and access width, to achieve safe and convenient access to the highway. Furthermore it would provide an extension to the existing pedestrian footpath, connecting the access of the site to the existing footpath to the north. The indicative layout demonstrated sufficient parking provision could be achieved for two vehicles per dwelling.

The Planning Team Leader concluded the presentation by saying that the principle of development at the site was considered to be acceptable. The proposal is not considered to create significantly harmful impacts to the appearance or character of the area and the application was therefore recommended for approval.

At the invitation of the Chairman, Mrs Diana Dean addressed the Committee and made the following comments:

- She felt very strongly about the application. She had an emotional attachment, her family having lived and farmed in the area for generations;
- Granting approval would set a precedent for development of the frontage and this was open rural land;

- There were currently three outstanding applications for a total of 13 dwellings and they should be considered in the overall context and impact on a rural hamlet;
- ECDC did not have a current Local Plan, hence the free for all which was not the fault of the residents;
- The site was outside the development framework, it was speculative and opportunist and was not sustainable;
- There were very few employment opportunities in the area and the local transport was very limited;
- New housing would not enhance the environment or benefit the community;
- The harm would outweigh the benefits.

Councillor Jones asked Mrs Dean about her worries regarding this development and the other applications being referred to; she replied that there was another application along the road for six houses, and yet another for the demolition of one property to be replaced with four dwellings.

Councillor C Ambrose Smith remarked that Mrs Dean managed to sustain herself in an 'unsustainable' location and Mrs Dean said that as she farmed, she could not move her land.

At the invitation of the Chairman, Mr Robert Preston, agent, addressed the Committee and made the following points:

- Cambridgeshire County Council owned the site and the development would meet needs;
- The funds generated would go towards helping local people through public services;
- There had been public engagement and the proposed scheme had been assessed as being acceptable;
- It would deliver significant benefits for the housing supply;
- The trees would be retained and there would be a landscaping scheme;
- The development would be connected to Lode by a footpath therefore residents would not be wholly reliant on cars. It would be well contained and have no significant visual impact as the position of the windows could be dealt with at reserved matters to ensure no impact on residential amenity;
- A safe access could be provided and Members should assess the application before them today.

Mr Preston responded to a number of questions from Members. He confirmed that only a part of the field was to be developed and the access to the agriculture field would be retained; the trees at the boundary would be retained, and roads would be built to an adoptable standard.

Councillor Jones said he was mindful of Mrs Dean's concerns and whilst sympathising with her, he did not think the proposal would harm the locality.

Councillor Trapp said he knew the area well and it was a feature of Longmeadow having houses on one side of the road, a gap, and then houses on the other side. It was a very small hamlet and there were other places that could be developed. He was not sure about supporting the recommendation for approval as the area was open countryside.

Councillor Downey was generally in favour of the application and thought that four more houses would not particularly damage the area. He believed that if Councillor Schumann was still present at the meeting, he would be cautioning Members that to refuse the application could leave the Council open to challenge.

It was duly proposed by Councillor Downey and seconded by Councillor Wilson that the Officer's recommendation for approval be supported.

When put to the vote, the motion was declared carried, there being 7 votes for, and 2 against.

It was resolved:

That planning application reference 19/01470/OUT be APPROVED subject to the recommended conditions as set out in the Officer's report and the amendment to Conditions 1, 3, and 7 as set out in the Committee Update.

84. PLANNING PERFORMANCE REPORT – NOVEMBER 2019

The Planning Manager presented a report (reference U152, previously circulated) which summarised the planning performance figures for November 2019.

It was noted that the Department had received a total of 184 applications during November 2019, which was a 5% decrease on November 2018 (194) and a 19% decrease from October 2019 (226).

Richard Fitzjohn, Senior Planning Officer had left the Authority on 7th January 2020.

The Planning Manager highlighted that all of the six appeals in November 2019 had been dismissed.

The direct action in respect of Redmere had gone reasonably well and the Authority had received payment in full of the invoice.

It was resolved:

That the Planning Performance Report for November 2019 be noted.

The meeting closed at 7.38pm.

MAIN CASE

Reference No: 19/00331/OUM

Proposal: Residential development of up to ten dwellings

Site Address: Land Off Scotland End Chippenham Cambridgeshire

Applicant: Mrs Rebecca Nicolle

Case Officer: Dan Smith, Planning Consultant

Parish: Chippenham

Ward: Fordham And Isleham
Ward Councillor/s: Julia Huffer
Joshua Schumann

Date Received: 5 March 2019 **Expiry Date:** 28 February 2020
[U158]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to approve the application subject to the signing of the s106 agreement and conditions covering the following matters with authority delegated to the Planning Manager and Legal Services Manager to complete the s106 and to issue the planning permission. The recommended planning conditions can be read in full within Appendix 1.
- 1.2 The s106 agreement will secure 30% affordable housing and the provision of waste bins.
- 1.3 Conditions
1. Approved Plans
 2. Timescale for submission of reserved matters
 3. Timescale for implementation
 4. Surface water drainage
 5. Surface water maintenance arrangements
 6. Foul water drainage
 7. Energy efficiency
 8. Arboricultural Impact Assessment
 9. Arboricultural Method Statement
 10. Contamination Investigation
 11. Unanticipated Contamination
 12. Archaeology
 13. Construction Hours

- 14. Piling
- 15. Highways details and construction details
- 16. Ecological Mitigation measures
- 17. Ecological Enhancement scheme

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning permission for residential development of the site for up to 10 dwellings. The site measures 0.52 hectares. The application also details access arrangements at this stage which is to access the site via the existing cul-de-sacs on Scotland End. The other detailed matters of the appearance, layout and scale of the dwellings and the landscaping of the site are reserved for future consideration. The layout of the housing shown on the drawing no. 01B should therefore be considered indicative only.
- 2.2 The application has been amended to show amended access into and within the site and supplementary drainage information has also been provided.
- 2.3 The application has been referred to the Planning Committee by Councillor Julia Huffer on the grounds that there is considerable local concern regarding the proposed development.
- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

- 3.1
- | | | | |
|--------------|--|---------|------------|
| 87/01021/OUT | Erection of 44 houses [on application site and now developed land to north west] | Refused | 14.11.1998 |
|--------------|--|---------|------------|

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is an area of just over 0.5 hectares of improved grass land which is currently in use as paddock land. It is located south east of and immediately adjacent to the residential development of Scotland End. To the south west there are buildings on High Street and to the north east runs a public footpath (no. 49/4). The site is approximately a third of the wider paddock which is a total of approximately 1.4 hectares in size and extends to the rear of dwellings on New Street to the south east.
- 4.2 The boundary treatment to the north east alongside the public footpath is a mixture of hedging, more mature trees and open fencing. To the north western boundary with the Scotland End development the boundary is enclosed by close boarded fencing and sparse tree planting. The boundary to the south western end of the site is enclosed by a mixture of close-boarded fencing and post and rail fencing.

4.3 The site is located adjacent to but outside of the development envelope of Chippenham and outside but close to the Conservation Area. Two buildings on High Street (Tharp Arms and 47 High St) and three on New Road (nos. 7, 41 and 45) are Grade II listed. The site is within Flood Zone 1.

5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees and are summarised below. The full responses are available on the Council's web site.

Chippenham Parish Council - 9th April 2019

Objects to the proposed development on the following summarized grounds:

1. Impact on highway safety from additional vehicles using the junction of Scotland End with the High Street.
2. Loss of a green space and the impact on character and amenity
3. Development is contrary to the 2015 Local Plan
4. Adverse impact on wildlife
5. Quality of life for local residents
6. Concerns over density, access and turning, overlooking and overshadowing, foul water drainage and the precedent for the development of the remainder of the paddock.

It notes previous refusals of planning permission for the site.

Ward Councillors – 17 April 2019

Requests that in the event that the officer recommendation is approval that the application be referred to the Planning Committee due to the significant local concern about the proposed development.

Anglian Water Services Ltd – 11 April 2019

States that it has assets on or near to the site and that either the site layout should take that into account or sewers will need to be diverted at the developers cost. States that foul drainage from the development is in the catchment of Chippenham Water Recycling Centre which currently does not have capacity to treat the flows the development site but that it is obligated to accept the foul flows from the development and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should permission be granted. The sewerage system at present has available capacity for the flows from the development. In respect of surface water disposal, it notes that the proposed method of surface water management does not relate to Anglian Water operated assets and therefore does not comment on surface water management.

Asset Information Definitive Map Team - 14 March 2019

Does not object to the proposal. Notes the public Byway to the north east and the Byway must remain open and unobstructed at all times, building materials must not be stored on it and contractors' vehicles must not be parked on it. Requests informatives be applied to any permission advising of the requirements and responsibilities in respect of the public footpath.

CCC Growth & Development

No Comments Received

Conservation Officer

Does not object to the proposed development stating it would have a neutral impact on the setting of nearby listed buildings and the adjacent Conservation Area.

ECDC Trees Team - 4 April and 21 August 2019

Initially stated it was not possible to assess this application as no information on existing trees on site had been submitted.

Subsequently noted that only a Tree Survey, rather than an Arboricultural Method Statement and Arboricultural Impact Assessment had been submitted in response to his request for further information. Noted that garages should not be positioned within the root protection areas of trees and details and locations of protective fencing were required. Requested that an AMS and AIA were required by condition to ensure those matters were addressed in the final design.

Minerals And Waste Development Control Team

No Comments Received

Ramblers Association South - 21 March 2019

Notes the characteristics of the site and the presence of the public footpath to the north east of the site. States that in terms of the public right of way an objection would be difficult to justify but recommends that a formal pedestrian link is created from the site to the footpath enabling access from the site and the wider Scotland End development to the footpath, allotments and play area off New Street.

Scientific Officer - 18 March 2019

States that the findings of the submitted Phase I Geo-environmental Study are accepted and that a Phase II Ground Investigation is carried out. Recommends a condition requiring such investigation and a condition in respect of any unanticipated contamination discovered during construction.

Waste Strategy (ECDC) - 2 April 2019

States it will not enter private property to collect waste receptacles and notes recommended maximum bin drag distances. It notes that based on the indicative layout that a bin collection point would be required for the dwellings on plots 6 and 10. It also notes its prerogative to charge for the provision of waste receptacles

Cambridgeshire Archaeology - 22 March 2019

Notes that the site lies in an area of high archaeological potential. Does not object to development but considers that the site should be subject to a programme of archaeological investigation secured through the inclusion of a condition.

Cambridgeshire Wildlife Trust - 15 August 2019

States that the risk of harm to protected species is minimal, provided the mitigation and enhancement recommendations in section 6 of the submitted Technical Note are secured by condition. With regard to compensation for the loss of habitats and whether the proposals would deliver a net loss or gain in biodiversity, it states that detailed designs would need to include areas of habitat creation in order to avoid a net loss.

Environment Agency – 30 July 2019

States it has no formal comment to make on this application. Offers advice to the applicant in respect of the location of the site above a Principal Aquifer and within a Source Protection Zone (SPZ 2) and the need to address risks to controlled waters from contamination at the site. Notes that if the development proposes to use deep infiltration systems including boreholes and other structures that by-pass the soil layer we would wish to be re-consulted. In respect of foul drainage it notes that the site is located in an area served by the public foul sewer and that foul water from the proposed development should be discharged to the public foul sewer with the prior written approval of the sewerage undertaker.

Lead Local Flood Authority – 3 June, 6 August, 10 September and 28 November 2019 and 8 January 2020.

Initially objected to the proposed development on the basis that contrary to paragraph 163, no site specific surface water drainage strategy had been submitted.

Following the submission of a Flood Risk Assessment and Drainage Strategy, the LLFA maintained its objection on the basis that neither proposed strategy had been demonstrated to be effective or viable. It later maintained that objection and expressed concern regarding the use of shared soakaways and issues with the swale design.

It subsequently considered an updated FRA and Drainage Strategy and removed its objection, noting that the on-site infiltration testing had adequately demonstrated that soakaways could be used. It stated that it did not support the use of shared soakaways and that this would need to be addressed during the design of the layout of the final scheme.

It noted that the site is located within Flood Zone 1 and that it was at very low risk of surface water flooding and that groundwater was not encountered during on-site investigations so is unlikely to present a risk of flooding on the site.

It requested conditions be applied requiring a full surface water drainage scheme and details of long-term maintenance arrangements and to ensure that shared soakaways are either not used or are located in public areas to allow maintenance.

Specialist Housing Strategy & Enabling Officer - 19 March 2019

Requests that provisions are made in s106 to secure affordable housing on site if the development delivers 10 dwellings.

Design Out Crime Officers - 27 March 2019

Notes that its records show reports of burglaries and some anti-social behavior and vehicles incidents in the local area. Requests that should planning approval be granted that the applicant consult with its office to mitigate against vulnerability to crime. States it has no further comments objections or recommendations at this stage.

Environmental Health - 13 March 2019

Does not object to the proposed development. Requests conditions restricting construction hours as well as the provision of a Construction Environmental Management Plan to control pollution from noise, dust, lighting during construction.

Local Highways Authority - 2 April, 12 June, 5 August and 22 October 2019 States it has no objections in principle as Scotland end is capable of accommodating additional traffic that would be generated from the development. Notes that as access is proposed at this stage, and adequate level of detail in respect to carriageway and footway dimension is required.

It later commented again on the principle of the development in respect of the junction of Scotland End with the High Street and the capacity of junction. It confirmed that the junction and Scotland End itself were capable of accommodating well in excess of the existing and proposed number of dwellings and that there was no justifiable reason for refusing the application on highway safety or capacity grounds.

It later commented again on the widths of the access roads, noting that the footway widths to the South-western access are not dimensioned on plan but appear to show continuity of the existing footway width. States that while the layout is not committed at this stage, the applicant should note that a turning head would be required on the north-eastern arm, due to the length the road is extended. Requests conditions in respect of the provision of a detailed site layout [which would come forward at reserved matters stage] and a detailed engineering scheme for the accesses.

Commented that the indicative surface water drainage strategy indicates that drainage would be via swale and soakaways and that the LHA would only adopt roads and footways drained in this way if the drainage system were adopted by a competent authority. Notes that permeable paving would not be considered sufficient to prevent run-off onto the public highway and additional measures would be required to prevent such run-off.

5.2 **Public Consultation**

Three site notices were displayed near the site on 26 March 2019 and a press advertisement was published on 21 March 2019. In addition, 48 neighbouring properties were directly notified by letter. Responses were received from the owner/occupiers of 18 neighbouring properties and the concerns raised in those responses are summarised below. A full copy of the responses are available on the Council's website:

- Affect on Conservation Area
- Affects a Right of Access
- Affects a Right of Way
- Affects public views
- Biodiversity impact
- Capacity of village for more housing
- Contrary to Policy
- Form and character
- Foul water drainage
- Highway safety
- Lack of services and facilities
- Landscape impact
- Loss of privacy

- Loss of public amenity
- Noise sensitive
- Over looking
- Over shadowing
- Parking and Turning
- Precedent for further development
- Residential amenity
- Surface water drainage
- Visual amenity

6.0 The Planning Policy Context

6.1 *East Cambridgeshire Local Plan 2015*

| | |
|----------|--|
| GROWTH 1 | Levels of housing, employment and retail growth |
| GROWTH 2 | Locational strategy |
| GROWTH 3 | Infrastructure requirements |
| GROWTH 5 | Presumption in favour of sustainable development |
| HOU 1 | Housing Mix |
| HOU 2 | Housing density |
| HOU 3 | Affordable housing provision |
| ENV 1 | Landscape and settlement character |
| ENV 2 | Design |
| ENV 4 | Energy efficiency and renewable energy in construction |
| ENV 7 | Biodiversity and geology |
| ENV 8 | Flood risk |
| ENV 9 | Pollution |
| ENV 11 | Conservation Areas |
| ENV 12 | Listed Buildings |
| ENV 14 | Sites of archaeological interest |
| COM 7 | Transport impact |
| COM 8 | Parking provision |

6.2 Supplementary Planning Documents

Design Guide – Adopted March 2012

Flood and Water – Adopted November 2016

Contaminated Land: Guidance on submitted Planning Application on land that may be contaminated - Adopted May 2010

Developer Contributions and Planning Obligations – Adopted May 2013

6.3 *National Planning Policy Framework 2019*

| | |
|------------|---|
| Section 2 | Achieving sustainable development |
| Section 4 | Decision-making |
| Section 5 | Delivering a sufficient supply of homes |
| Section 9 | Promoting sustainable transport |
| Section 11 | Making effective use of land |
| Section 12 | Achieving well-designed places |
| Section 15 | Conserving and enhancing the natural environment |
| Section 16 | Conserving and enhancing the historic environment |

- 6.4 *Planning Practice Guidance*
- 6.5 *ECDC Statement on the Seeking of Affordable Housing Developer Contributions – October 2019*
- 6.6 *ECDC Interim Policy Support Viability Assessment Information v2 - April 2019*
- 7.0 **PLANNING COMMENTS**
- 7.1 The main planning considerations in this case are the principle of development, affordable housing, housing mix, the impact on the character of the area, the historic environment, residential amenity, highway safety and parking provision, ecology and trees, flood risk and drainage and land contamination.
- 7.2 Principle of Development**
- 7.2.1 The development would not normally be considered acceptable in principle in this location as the application site lies outside the defined development envelope of Chippenham in the countryside. Development envelopes define where policies for the built up areas of settlements give way to policies for the countryside. Policy GROWTH 2 of the Local Plan states that outside of defined development envelopes the only housing development which will be permitted is affordable housing exception schemes where those schemes have no significant adverse impact on the character of the countryside or other Local Plan policies. The current scheme does not meet that definition. However, further assessment is required in order to determine whether the proposal can be supported which is explained in more detail as follows.
- 7.3 Affordable Housing**
- 7.3.1 The scheme proposes up to 10 dwellings on a site in excess of half a hectare and is therefore categorised as Major Development. As per the Council's endorsed *Statement on the Seeking of Affordable Housing Developer Contributions* dated October 2019, affordable housing is sought for all major developments. As the site is outline in nature, it is possible that a number of dwellings less than 10 might be built, however it remains likely that the floor space of any such development would exceed 1,000m², in which case the development would still fall into the category of major development.
- 7.3.2 Local Plan Policy HOU 3 states that for sites within the south of the district, 40% of the dwellings provided will be expected to be affordable. However, the Council's most up-to-date assessment of affordable housing viability, the *Interim Policy Support Viability Assessment Information v2* dated April 2019 recommends that an affordable housing be sought at 30% in the south of the district.
- 7.3.3 The scheme therefore does not accord with Policy HOU 3 but does meet the requirements of the more recent viability assessment. The precise number and tenure of the affordable dwellings would be decided when the final number of dwellings is known at reserved matters stage. The provision of affordable housing

would be secured by a planning obligation within a section 106 agreement. Such an agreement is currently being prepared and any resolution to approve the application made by Planning Committee should be to give delegated powers to approve once the s106 securing that obligation has been completed.

- 7.3.4 The proposed development is therefore considered to be acceptable in respect of the provision of affordable housing in accordance with the Council's current requirements.

7.4 Housing Mix

- 7.4.1 The mix of market housing proposed on the application form, namely 20% 2-bedroom, 40% 3-bedroom and 40% 4-bedroom dwellings, is broadly consistent with the indicative size guide for open-market housing detailed within table 4.1 of the supporting text to Policy HOU 1. The proposed development is therefore considered to be acceptable in respect of the mix of housing in accordance with Policy HOU 1 of the East Cambridgeshire Local Plan 2015.

7.5 Residential Amenity

- 7.5.1 While layout, scale and design as well as landscaping of the site are reserved for future consideration, the indicative block plan demonstrates that adequate separation between the proposed dwellings and the existing dwellings and their gardens could be achieved to ensure there would be no significant loss of light, visual intrusion or overshadowing of those properties. Separation distances are in excess of those required in the Council's Design Guide SPD.
- 7.5.2 The existing dwellings on the High Street and Scotland end which back onto the site would lose their outlook over the paddock and some distance views, however this loss of view is not a material consideration as occupiers do not have a right of view over land in third party ownership. Given the separation distances that could be achieved between the existing and proposed dwellings including the use of single storey elements where necessary, it is considered that a final scheme could be designed which would not cause any significant visual intrusion or a sub-standard outlook for those neighbouring dwellings. These matters would be considered in detail at the reserved matters stage.
- 7.5.3 The extension of the existing cul-de-sacs into the application site would result in additional vehicle movements passing dwellings on Scotland End and those properties closest to the end of the cul-de-sacs would notice an increase in vehicle movements. However it is not considered that this increase would cause any significant harm to the residential amenity of occupiers, given the distance between their gable ends and frontages with the accesses and the relatively limited number of vehicle movements that would be associated with the proposed development.
- 7.5.4 It is therefore considered that this outline application has adequately demonstrated that up to 10 dwellings could be accommodated on site without necessitating any significant loss of amenity to neighbouring dwellings.
- 7.5.5 In terms of the amenity of future occupiers of the development, the indicative layout is sufficient to demonstrate that up to 10 dwellings could be accommodated on site

while providing adequate outlook, natural light and privacy for those dwellings. The site area and indicative layout are also sufficient to demonstrate that an acceptable level of private amenity area could be provided for each dwelling, in excess of the minimum of 50m² which is required for new dwellings by the Design Guide SPD.

- 7.5.6 It is therefore considered that the outline application has demonstrated that a development of the scale proposed could be accommodated on the site without causing any significant harm to the residential amenity of occupiers of nearby residential properties and providing adequate amenity to future occupiers in accordance with Policy ENV 2 of the East Cambridgeshire Local Plan 2015.

7.6 Visual Amenity

- 7.6.1 The proposed development of the site would result in the loss of approximately one third of the existing paddock and the new dwellings would sit adjacent to the existing Scotland End development and would function and appear as an extension of that development.

- 7.6.2 It is considered that the loss of the open space would not result in the loss of any significant public views into the wider landscape and the site is enclosed on all sides by existing development. However the paddock does currently contribute to the pleasant semi-rural character of the area on the fringes of the settlement of Chippenham and this is appreciated primarily in glimpsed views from the footpath to the north. The loss of the site as open paddock and its development for housing is considered to cause a limited amount of harm to the visual amenity and character of the area, albeit that this is mitigated by the retention of the majority of the paddock as open paddock.

- 7.6.3 The layout, scale and design of the buildings, as well as the landscaping of the site is reserved for future consideration, however given the size of the site and the number of dwellings proposed it is possible that a scheme similar in density and character to the existing Scotland End scheme could be accommodated on the site. This is broadly what is shown on the submitted indicative block plan.

- 7.6.4 Given the loss of part of the existing open field and the limited harm which would be caused the visual amenity of the area, the proposed development is considered to conflict with Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan 2015.

7.7 Historic Environment

- 7.7.1 The proposed development would be located outside the existing Conservation Area with the south western corner of the site adjacent to the Conservation Area boundary. It is not considered that the development would cause any harm to the setting of the Conservation Area. It would appear in character with the existing Scotland End development which sits similarly behind the Conservation Area on the High Street and would have a neutral impact on its setting.

- 7.7.2 The proposed development would be located offset to the rear of two Grade II listed buildings on the High Street and on the other side of the existing paddock from the rear of three listed buildings on New Road. The development would not be

prominent in the setting of those listed buildings being to the rear and offset from them and the Council's Conservation Officer is content that it would have a neutral impact on their setting.

- 7.7.3 The County Archaeologist has identified that the site is within an area of high archaeological potential being close to known historic settlements, buildings and previous archaeological remains including bronze age and roman era remains. It does not object to development from proceeding in this location provided that a programme of archaeological investigation is secured by condition to identify, record and, where appropriate, catalogue archaeological remains on the site.
- 7.7.4 It is therefore considered that the proposed development is acceptable in terms of its impact on the historic environment including the archaeological interests of the site in accordance with Policies ENV11, ENV 12 and ENV14 of the East Cambridgeshire Local Plan 2015.

7.8 Highway Safety and Parking Provision

- 7.8.1 The site would be accessed at two points both off existing cul-de-sacs on Scotland End to the north west. The indicative block plan shows five dwellings served off each spur although this particular layout would not be fixed at outline stage. Only the points of access are being considered in detail at this outline stage and therefore the application needs to consider whether the access to the site can be achieved safely and whether adequate parking and turning for the proposed number of dwellings can be accommodated on site.
- 7.8.2 The Local Highways Authority (LHA) has considered the proposals and does not object to the proposed use of Scotland End to access the site in the manner shown on the block plan and states that Scotland End is capable of accommodating the additional traffic that would be generated by the provision of 10 additional dwellings. It has stated that the footway widths are not dimensioned on plans but that the plans show a continuity of that footway into the site. It requested further dimensioned drawings to evidence that, however as the layout of the site is reserved for future consideration and it is only the detailed matter of access to the site which is being considered and would be fixed at this stage, the level of detail shown on the submitted plans is considered adequate to enable that consideration.
- 7.8.3 The LHA has been made aware of local concerns including from the Parish Council regarding highway safety close to the junction of Scotland End and High Street and has been provided with speed survey information for the High Street provided by the Parish Council. It has considered that information but remains of the view that the junction of Scotland End and High Street is safe and that the proposed development would not impact on highway safety in the area. It has stated that the Geometry and visibility at the junction of Scotland End with High Street meets appropriate standards and that the streets serving the proposed development operate safely, are of appropriate dimension and have sufficient residual capacity to cater for the limited form of development proposed, such that there is no justifiable reason refuse the application on highway safety or capacity grounds.
- 7.8.4 The LHA has noted that given the length of the northern access road a turning head would be required. This is not shown on the indicative layout, however it is

considered that adequate turning could be provided with limited adjustment to the layout with up to 10 dwellings still being accommodated on site. This would also address the comments of the Waste Strategy team in respect of the maximum reserving distances of bin wagons by providing turning for such vehicles on the northern side. Again, the detailed layout including turning facilities would be considered at reserved matters stage and the information provided at this stage is sufficient to demonstrate that the site can be safely accessed for up to 10 dwellings.

- 7.8.5 In respect of parking, the indicative layout plan shows that the provision of two spaces per dwelling, via a combination of carports, garaging and driveway spaces would be possible. This is in accordance with the Council's adopted parking standards. The detailed arrangements would not be fixed at this stage and it is only necessary that the application demonstrate in principle that the site could accommodate up to 10 dwellings with adequate parking. It is considered that the indicative layout plan achieves this.
- 7.8.6 It is therefore considered that the proposed development is acceptable in terms of its impact on highway safety and parking provision in accordance with Policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.

7.9 Ecology and Trees

- 7.9.1 The site is primarily improved grassland with native planting around parts of the boundary of the site. The submitted Ecological Survey Technical Note concludes that while there would be some loss of biodiversity habitat as a result of the development, this could be mitigated by measures including protective fencing for retained trees and hedging, appropriate construction practices and minimising light disturbance. The Wildlife Trust has considered the ecological information submitted and is content that the mitigation measures are sufficient to ensure no harm to protected species. These mitigation measures would be required by condition.
- 7.9.2 The Wildlife Trust has also considered the proposals for ecological enhancement contained within the technical note. Such enhancement is required in order to ensure a biodiversity net gain in accordance with national and local planning policy. It recommends that the detailed designs should include areas of habitat creation which go beyond the existing recommendations of the Technical Note. That note recommends an either/or approach in respect of native hedging and a SuDS pond and the selection of one of either bat boxes, bird boxes or climbing plants. The Wildlife Trust recommends that more of those measures be selected in order to achieve a net gain and there is nothing in principle to suggest that a greater level of enhancement could not be provided. On that basis, a condition would be applied to the permission securing a scheme of ecological enhancement sufficient to achieve a net gain in biodiversity.
- 7.9.3 The proposed development would involve the removal of boundary trees at the access points to the site. It is not considered that this would cause a significant loss of amenity and none of the individual trees affected contribute significantly to the amenity of the area. The loss of those trees could be adequately compensated for by a high quality landscaping scheme. The landscaping of the site has been reserved for future consideration however it is considered that there is adequate opportunity for a high quality landscaping scheme to be designed into the final

layout. The existing boundary planting is not of a high quality overall, however the quality trees on the boundaries of the site could be retained and protected during construction by tree protection fencing and ground protection measures. These measures would be detailed as part of an Arboricultural Method Statement which would be required by condition. Native boundary planting on the existing open boundary to the south east as well as the supplementation of existing boundary planting with native hedging and trees would more than compensate for the loss of the trees at the access points to the site.

- 7.9.4 The proposed development is therefore considered to be acceptable in terms of its impact on and enhancement of biodiversity on site and its impact on existing trees and hedgerow in accordance with Policies ENV 2 and ENV 7 of the East Cambridgeshire Local Plan 2015.

7.10 Flood Risk and Drainage

- 7.10.1 The site is located wholly within Flood Zone 1, meaning it is at the lowest risk of flooding. The Lead Local Flood Authority (LLFA) has noted that the site is at very low risk of surface water flooding and that groundwater was not encountered during on-site investigations. The development is therefore unlikely to be susceptible to flooding or to present a significant risk of flooding.
- 7.10.2 The LLFA initially expressed concerns regarding surface water drainage of the site as no Flood Risk Assessment or drainage strategy had been provided. Once that drainage information had been provided the LLFA retained its objection as the drainage strategies had not been demonstrated to be effective. Further infiltration testing was carried out on behalf of the applicant and the results provided to the LLFA as well as updated drainage strategies. The LLFA has now removed its objection to the proposed development and is content for permission to be granted, subject to conditions securing a detailed drainage scheme based on the final layout of the site and a long term maintenance plan. It notes that shared swales are not appropriate in private areas as these are difficult to maintain.
- 7.10.3 On the basis of the above, it is considered that the proposed development is acceptable in terms of its location within an area at low risk of flooding and the adequate surface water drainage of the development and would comply with policy ENV8 of the East Cambridgeshire Local Plan 2015.

7.11 Land Contamination

- 7.11.1 The submitted Phase I Geoenvironmental Desk Study concludes that the former use of the wider site as a nursery and the presence of made ground warrant further investigation. Given that residential use is sensitive to the presence of contamination, the Council's Scientific Officer is in agreement that a Phase II intrusive site investigation is required in order to determine the extent and nature of any contamination and to specify any necessary remediation. Such investigation and remediation as well as the handling of any unanticipated contamination would be secured by planning conditions.

7.11.2 It is therefore considered that the proposed development is acceptable in terms of the risks of land contamination in accordance with Policy ENV9 of the East Cambridgeshire Local Plan 2015.

7.12 Planning Balance

7.12.1 As detailed in the Principle of Development section above the development is contrary to the adopted policy of restraint in respect of market housing in the countryside set out in policy GROWTH 2 of the East Cambridgeshire Local Plan 2015.

7.12.2 The Council currently cannot demonstrate a 5 year housing land supply and therefore the housing policies within the Local Plan are considered to be out of date. Paragraph 11 of the NPPF states that development should be considered in the context of the presumption in favour of sustainable development. In practice the presumption in favour of development means that development proposals should be approved 'unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance [including areas at risk of flooding or coastal change] provides a clear reason for refusing the development proposed; or,
- ii. any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the National Planning Policy] Framework taken as a whole'.

7.12.3 Given the conclusions reached on the impacts of the development detailed above, it is not considered that the application of specific policies in the NPPF that protect areas of particular importance provide a clear reason for refusing the development referred to in clause i. It is therefore necessary to consider whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme under the 'tilted balance' as detailed in clause ii.

Benefits

7.12.4 The benefits of the scheme are considered to be the provision of up to 10 dwellings which would make a modest but meaningful contribution towards the housing stock in the district and would help to address the shortfall in a five year housing land supply and this is given significant weight. The construction of the dwellings would bring about temporary economic benefits in the form of employment of construction workers albeit that these benefits would be limited to the construction period. The new households accommodated in the dwellings would provide support to local services and facilities.

7.12.5 In addition, the scheme would provide 30% of those dwellings for affordable housing which would make a small contribution towards the need for affordable housing in the district.

7.12.6 The site is located outside but close to the development envelope of Chippenham and is considered to be sustainable located in terms of the access to the services and facilities provided in the village.

7.12.7 The scheme would also require a net gain in biodiversity be provided and this is considered to provide a very limited benefit in terms of the environmental impact of the development.

Adverse impacts

7.12.8 As detailed above in the Visual Amenity section, the proposed development is considered to result in some limited harm to the visual amenity and character of the area in conflict with policies ENV 1 and ENV 2 of the Local Plan. It is therefore necessary to consider whether that harm significantly and demonstrably outweighs the benefits of the scheme identified above.

Conclusion

7.12.9 It is considered that the harm caused by the development would be relatively limited albeit that this limited harm would be relatively prominent in public views of the site from the public footpath to the north of the site. The fact that the majority of the field would remain open is considered to mitigate the harm to the character and appearance of the area.

7.12.10 The benefits of the scheme are considered to be modest, primarily in the provision of up to 10 additional dwellings towards the Council's housing stock including 30% affordable housing.

7.12.11 It is considered that the identified visual harm is not so severe that it would significantly and demonstrably outweigh the benefits.

7.12.12 The consideration of the scheme on the tilted balance as per clause ii of paragraph 11.d of the NPPF therefore indicates that the proposed development should be approved.

COSTS

8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.

8.2 Unreasonable behaviour can be either procedural i.e. relating to the way a matter has been dealt with or substantive i.e. relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

9.0 APPENDICES

9.1 Appendix 1 - Conditions

| <u>Background Documents</u> | <u>Location</u> | <u>Contact Officer(s)</u> |
|-----------------------------|--|--|
| 19/00331/OUM | Dan Smith Room No. 011 The Grange Ely | Dan Smith Planning Consultant 01353 665555 dan.smith@eastca mbs.gov.uk |

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

Appendix 1 - Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below
- | Plan Reference | Version No | Date Received |
|-------------------|------------|----------------|
| 01B location plan | | 26th July 2019 |
- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the appearance, layout, landscaping and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 2 years of the date of this permission.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 Prior to the commencement of development a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed. The scheme shall be based upon the principles within the agreed Flood Risk Assessment and Drainage Strategy prepared by GH Bullard & Associated LLP (ref: 152/2019/FRADS) dated October 2019 but shall be specific to the final layout of the scheme and shall also include:
- a) Full results of the proposed drainage system modelling in the for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
 - b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
 - c) Full details of the proposed attenuation and infiltration measures;
 - d) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
 - e) Full details of the maintenance/adoption of the surface water drainage system;
 - f) Measures taken to prevent pollution of the receiving groundwater and/or surface water;
 - g) Details demonstrating that any proposed soakaways either serve individual plots only or are located in areas publically accessible for maintenance.
- 4 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 5 Prior to first occupation of the development, details of the long term maintenance arrangements for the surface water drainage system (including all SuDS features) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan shall clarify the access that is required to each surface water management component for maintenance purposes. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved arrangements.
- 5 Reason: To ensure the satisfactory maintenance of drainage systems, prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.

- 6 No development shall take place until a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme(s) shall be implemented prior to the first occupation of the development.
- 6 Reason: To ensure adequate foul water drainage in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 7 Prior to or as part of the first reserved matters application, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 7 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as some of the measures may be below ground level.
- 8 No development shall take place until a detailed Arboricultural Impact Assessment (AIA) compliant with BS 5837:2012 Trees in relation to design, demolition and construction has been submitted and approved in writing by the Local Planning Authority. The (AIA) shall provide information to show how trees/hedging worthy of retention would be sustainable and justification and mitigation measures for any tree removal proposed. The AIA shall identify areas to be excluded from any form of development, specify protective fences for these exclusion areas and for individually retained trees, life expectancy of trees, recommendation for any remedial work, identify acceptable routes for all mains services in relation to tree root zones, identify acceptable locations for roads, paths, parking and other hard surfaces in relation to tree root zones, suggest location for site compound, office, parking and site access, identify location(s) for replacement planting and show existing and proposed levels. All works shall be carried out in accordance with the agreed AIA.
- 8 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 9 No development shall take place until a detailed Arboricultural Method Statement (AMS) compliant with BS 5837:2012 Trees in relation to design, demolition and construction has been submitted and approved in writing by the Local Planning Authority. The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.
- 9 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 10 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been

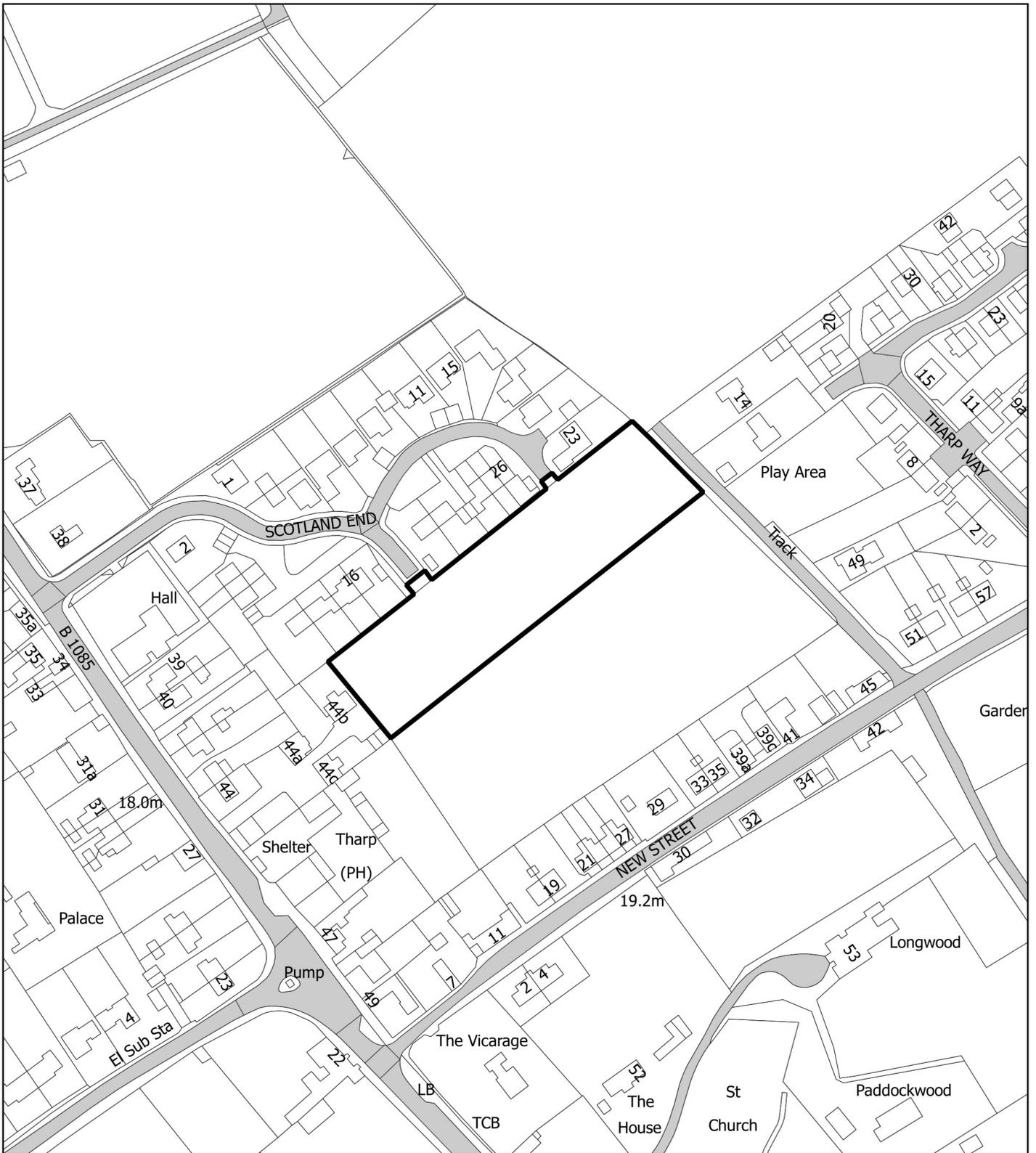
undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
- (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

- 10 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 11 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 12 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 12 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 13 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 13 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.

- 14 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 No development shall take place until full details have been submitted to and approved in writing by the Local Planning Authority showing the layout of the site, including access arrangements, roads, buildings, pedestrian and vehicular visibility splays, parking provision, turning areas, surface water drainage and the detailed construction of the vehicular accesses from the existing carriageways. Thereafter the development shall be constructed and maintained in accordance with the approved details.
- 15 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 16 The construction of the development hereby permitted shall be carried out in full accordance with recommendations contained within paragraphs 6.2, 6.3, 6.4, 6.5 and 5.5 of section 6 of the submitted MHE Consulting Technical Note dated 25 July 2019.
- 16 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 17 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 17 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
18. Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
18. Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.



19/00331/OUM

Land off Scotland End
Chippenham



East Cambridgeshire
District Council

Date: 21/01/2020
Scale: 1:2,000



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MAIN CASE

Reference No: 19/01054/RMM

Proposal: Reserved matters for appearance, landscaping, layout and scale of planning application 17/00481/OUM for 100 dwellings with associated open space, landscaping and drainage

Site Address: Land Rear Of 98 To 118 Mildenhall Road Fordham Cambridgeshire

Applicant: Bellway Homes Limited (Eastern Counties)

Case Officer: Barbara Greengrass, Planning Team Leader

Parish: Fordham

Ward: Fordham And Isleham
Ward Councillor/s: Julia Huffer
Joshua Schumann

Date Received: 24 July 2019 **Expiry Date:** 7 February 2020

[U159]

1.0 RECOMMENDATION

1.1 Members are recommended to APPROVE the application subject to the recommended conditions below. The conditions can be read in full on the attached appendix 1.

- 1 Approved plans
- 2 Time Limit
- 3 Boundary treatments Materials
- 4 Ecology
- 5 Implementation of FRA
- 6 Tree protection measures
- 7 Landscaping and parking provision
- 8 Materials
- 9 Electric vehicle plug-ins
- 10 Standard estate road construction
- 11 Access drainage
- 12 Standard estate road

2.0 **SUMMARY OF APPLICATION**

- 2.1 This is a reserved matters application following the grant of outline planning permission on appeal, for the erection of up to 100 dwellings, with public open space, landscaping and SuDs with access determined. This application considers the remaining reserved matters of appearance, landscaping, layout and scale, and proposes 100 houses with public open space, landscaped buffer and attenuation basin.
- 2.2 The site area comprises 4.1 ha (10 acres), out of the total outline site area of 4.38 ha. This is because a larger amount of the land has been retained for the haulage yard to the north than was previously presented as part of the outline application.
- 2.3 In accordance with the Constitution, the application has been brought to Committee at the request of the Chairman, as the outline application was determined by Planning Committee.
- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 **PLANNING HISTORY**

- 3.1
- | | | | |
|--------------|--|--------------------------------------|------------|
| 17/00481/OUM | Residential development for the construction of up to 100 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Mildenhall Road | Refused <i>Allowed on appeal.</i> | 05.10.2017 |
|--------------|--|--------------------------------------|------------|

4.0 **THE SITE AND ITS ENVIRONMENT**

- 4.1 The site is located outside the development boundary of Fordham located on the southern edge of the village bounded by residential development to the east and north and by two business premises to the north and west. To the north, part of the redevelopment will incorporate an area of hard standing used as part of a plant hire and haulage business and the stretch of open overgrown land along its western boundary. The site is bounded by Palmer & son steel fabrication business to the west. The site itself is open agricultural land and is bounded along its southern boundary by a length of fragmented hedgerow. The site is visible from Mildenhall Road where a large gap in the frontage development will form the new site access.

5.0 **RESPONSES FROM CONSULTEES**

5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Technical Officer Access - 7 August 2019

Pathways should have a firm level and slip resistant surface. Pathways are welcome throughout the site.

We would like to see more detailed plans so as we can make more comments on the access issues.

Good general lighting is required throughout the site.

Cambridgeshire Archaeology - 19 August 2019

If application 19/01054/RMM for Reserved Matters is intended to supersede, please could you include the following worded condition on any permission that East Cambridgeshire District Council may be minded to grant, in order to secure the post-excavation, reporting and archiving elements of the agreed scheme (part c, below), in addition to securing any further works which may be required in mitigation of the development impacts:

Archaeology

No demolition/development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:

- a) the statement of significance and research objectives;
- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- c) The programme for the analysis, publication & dissemination, and deposition of resulting material. Part (c) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.

Cambridgeshire County Council Education - No Comments Received

Head Of Strategic Planning - No Comments Received

Local Highways Authority – 14 January 2020

After a review of the amended plans I have no further objections.

The highways authority does not agree or approve any of the highways surface

material shown within this application. All materials and construction specifications must be to CCC standards should the road be offered adopted. Any planning permission granted by ECDC are not acceptance or approval of such materials by the highways authority.

The south west shared use area does not meet the minimum number of dwellings accessed from or fronting the highway to qualify for adoption by the highways authority. The HA does not adopt ditches, POS, areas of water attenuation, swales or SUDs materials. Conditions recommended.

CCC Growth & Development - No Comments Received

Lead Local Flood Authority - 13 August 2019

At present we object to this reserved matters application. The submitted Flood Risk Assessment & Outline Drainage Strategy (ref: FRA 16 1032) and Surface Water Pro-forma indicate that it is proposed to dispose of surface water by infiltrating through soakaways, an infiltration basin, permeable paving and an infiltration trench. However, it has not been demonstrated that this is a viable means of surface water disposal. There are no infiltration test results in line with BRE365 and no alternative strategy for surface water disposal in the event that infiltration testing fails. It must also be demonstrated that there is a 1.2m clearance between the base of any infiltration feature and the peak seasonal groundwater level.

Full calculations demonstrating the performance of the system during the 100%, 3.3% and 1% Annual Exceedance Probability (AEP) storm events, including climate change and an allowance for urban creep, must be submitted. This is to ensure that adequate space is given over to the SuDS features proposed. A full, updated, drainage layout drawing should also be submitted to indicate where all proposed SuDS features are across the site. The applicant must also submit infiltration test results or provide an alternative means of surface water disposal.

10 September 2019

We have reviewed the revised documents. We maintain our objection to the grant of planning permission for the following reasons:

1. Depth of Infiltration Basin

The proposed depth of the infiltration basin is 2.4m. This means that the invert of the basin is deeper than the acceptable maximum depth for infiltration of 2.0m. The basin should therefore be no deeper than 2.0m below the ground level. It is noted that the half drain time of the basin is currently proposed to be just under 45 hours, which is greater than the acceptable half drain time of 24 hours. However, the depth of the basin is such that there will still be greater than half the volume of the basin available in the event of a follow up storm, which is acceptable to the LLFA.

Currently the basin would be classed as a deep bore soakaway which poses a risk to groundwater contamination. Therefore, the basin should be reduced in depth to be no greater than 2.0m below the existing ground level. This is to ensure surface water is not being infiltrated at a depth that poses a risk of pollution to groundwater, particularly in the event of a major spill.

2. Depth of Infiltration Trench

The infiltration trench is proposed to be a total depth of 2.3m below ground level, consisting on a 0.3m deep swale and a 2.0m deep trench filled with stone. The LLFA is supportive of the use of these systems, as a management train is built up

and spreads the treatment of surface water across the development. However similar to the infiltration basin, this should be no deeper than 2.0m to protect groundwater.

3. Shared Soakaways

The proposals include the use of shared soakaways within the gardens of a number of properties. The LLFA does not support the use of shared soakaways as they are often not maintained to the level that they should be in line with CIRIA guidance. The performance of shared soakaways are reliant on a number of different land owners correctly maintaining their section of the soakaway, while others across the development will have no responsibility for these features. If soakaways are proposed for the dwellings then individual plot soakaways should be incorporated into the design of the development.

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

9 October 2019

We maintain our objection to the grant of planning permission for the following reasons:

1. Deep Bore Soakaways

The guidelines of 2.0m below ground level (bgl) for maximum depth of infiltration features was put in place by the Environment Agency (EA). This guidance was put in place to ensure surface water was not being infiltrated into the ground at depth, which increases the risk of polluting ground waters. This should be adhered to in principle as it is guidance from the EA that was passed to us in 2015. If the applicant chooses to infiltrate at a depth deeper than 2.0m, permissions and permits need to be gained from the EA to ensure groundwaters are protected.

Regardless of the depth of the infiltration at the base of the basin, the depth of water within the basin is too deep. The maximum depth of water in the basin should not exceed 2.0m, however as the basin is 2.4m deep, it will reach a water depth of 2.1m plus the 300mm freeboard on top. The infiltration basin should be designed to ensure infiltration is not taking place deeper than 2.0m bgl and the maximum water depth does not exceed 2.0m.

2. Shared Soakaways

As stated in our previous response dated 10 September 2019 (ref: 201104270), the LLFA does not support the use of shared soakaways as they are often not maintained to the level that they should be in line with CIRIA guidance. The performance of shared soakaways are reliant on a number of different land owners correctly maintaining their section of the soakaway, while others across the development will have no responsibility for these features. If soakaways are

proposed for the dwellings then individual plot soakaways should be incorporated into the design of the development.

The applicant has stated that a private management company will maintain the private shared soakaways within the gardens of the dwellings. However, this is unlikely to be an option as private management companies do not tend to maintain features within the curtilages of the proposed dwellings. Therefore, an alternative location for infiltrating plot surface water runoff should be proposed, or the use of shallow infiltration measures could be employed within 5m of the properties

20 November 2019

At present we object to the grant of planning permission for the following reasons:

1. Shared Soakaways

It is understood that the applicant has concerns regarding the maintenance of the individual soakaways in the gardens. The developer has mentioned that there will be agreement for the management company to access the gardens of the properties to maintain the shared soakaways within the lease or T1, which is unacceptable and the use of shared soakaways is not accepted by the LLFA. It would be against the privacy of the land owner for the management company to let themselves into the gardens of the property without consent from the resident.

In the event the resident is not in at the time the management company are maintaining the soakaways, then the soakaway may go much longer than is acceptable without any form of monitoring or maintenance.

The LLFA would be supportive of the use of individual, privately maintained, plot soakaways placed a minimum of 5m away from the properties. These soakaways would be the responsibility of the land owner to maintain for the lifetime of the development. This principle is used across many developments and is a widely accepted and supported method of infiltrating surface water from individual properties.

21 January 2020 - We have reviewed the following documents:

- Flood Risk Assessment & Outline Drainage Strategy, LK Consult Ltd, Ref: FRA 16 1032, Dated: February 2017

- Technical Note 1, Wormald Burrows Partnership Limited, Ref: E3912/TN1RevA/mjl/191219, Dated: 19 December 2019

Based on these, as Lead Local Flood Authority (LLFA) we can remove our objection to this reserved matters application. The above documents demonstrate that the surface water on site can be managed through infiltration. There are two car parks constructed of permeable paving, infiltrating surface water through the subbase of the feature and into the ground. There is also a gravity based surface water sewer network carry surface water runoff from the rest of the development to an infiltration basin and infiltration trench in the south and southeast of the site. It has been demonstrated that the basin has capacity for the follow up 10 year storm as there is a greater than 24 hour half drain time within the basin. It has been demonstrated that the site can be adequately maintained for the lifetime of the development in line with current guidance

Minerals And Waste Development Control Team - No Comments Received

ECDC Trees Team - 10 October 2019

The submitted soft landscaping plans lack the density of planting along the sites southern boundary, this was a key component of the outline permission, specifically the use of Pine trees is omitted. The planting of Pine trees was deemed integral in aiding the assimilation of the development site into the surrounding landscape due to the presence of a Pine tree belt adjoining the site.

The path on the southern boundary could be more of a woodland walk with denser tree planting and native species understory planting, making it a more useful landscape buffer as was originally illustrated. This would also be ecologically beneficial due to the habitat creation as well as carbon sequestration.

The attenuation pond should be augmented with native willow planting as this will aid the dispersal of water as well as provide habitat for native species. Management of these trees through traditional management by pollarding or coppicing would enable their longer term retention with a reduction in the risks associated with unpruned mature specimens of native willows.

If the southern boundary path were extended to pass adjacent the attenuation pond the pond would be more of a feature of the site rather than a sterile area of land with only a single use.

The creation of a small avenue at the entrance to the site from Fordham road will be notable feature of the site giving a feeling of grandeur in future years.

13 December 2019 - As the site is agricultural all the treed vegetation is around the boundaries, there is a small group of Hawthorn (G17) for removal which is acceptable as graded 'C' and shouldn't prevent development, looking on street view they are poor unmanaged specimens. Two trees that have been identified as a category 'B1' those being T5 (Cedar) off site and T21 Walnut off site, only T5 is identified for any pruning works and these are to reduce back to the boundary by up to 2m to allow scaffolding which is acceptable to facilitate development.

The site has been cultivated the installation of the acoustic barrier should not be an issue and not require any hand digging of post holes as ploughing will have continuously severed any roots.

The AIA and AMS are acceptable providing tree protection details and identifying minor works prior to development commencing.

There are no Arboricultural reasons to raise objections to the proposals.

Environmental Health – 6 December 2019

We discussed the first 19/01054/RMM application some time ago where I confirmed verbally that I had no issues to raise but I did not make this clear formally at the time.

With regard to this reconsultation, as part of the amendment relates to the layout I was happy to see that the applicant has included an updated NIA to reflect this. I have read the updated NIA and note the following changes –

- Page 12 Section 5.3 for the Assessment of External Noise Levels finds the 'Excess of Rating Over Background Level' is now +9 instead of +8 (as it was in the previous report)
- Page 13, Section 5.4 for the 'Assessment of Noise Levels Within Properties' (worst affected) finds that with windows closed the levels are now reported as 22dB LAeq, 1hr instead of 20dB (as it was in the previous report). With windows open the figure remains the same as in the previous report which is a level of 25dB. I suspect this may be an error and would therefore expect levels to be up to 27dB with an open window.

I could not identify any other difference between the two reports and so it would not appear as though these amendments have had a meaningful impact on the previous NIA and therefore I have no issues to raise at this time.

Housing Section - 2 September 2019

Fordham is showing a need for larger family homes and therefore an element of the affordable provision will need to be delivered as four bedroom homes. I also note that the application is missing the required floorplans for all of the affordable dwellings and this will be required to ensure the dwellings are fit for purpose to meet the required housing mix below

The affordable housing mix required on site is:

Rented: 28 dwellings (As defined by the NPPF)

6 x 1 bed apartment (minimum 2 person)
6 x 2 bed maisonette (minimum 4 person)
5 x 2 bed house (minimum 4 person)
3 x 2 bed bungalow (minimum 4 person)
6 x 3 bed house (minimum 5 person)
2 x 4 bed house (minimum 4 person)

Intermediate: 12 dwellings

7 x 2 bed house (minimum 4 person)
5 x 3 bed house (minimum 4 person)

The parking provision plan also indicates that the two bedroom maisonette's will only have one car parking space per household. As the affordable dwellings are occupied to maximum occupation the two bedroom dwellings would be expected to provide a minimum of two car parking spaces to help avoid unnecessary and unwanted street car parking.

9 December 2019

The Strategic Housing Team acknowledges the changes made to the layout and affordable housing mix and supports the Reserved Matters application submitted.

The amendments made to the affordable housing mix meet the current housing need for Fordham.

Waste Strategy (ECDC) - 23 August 2019

The waste team accepts the details shown in the vehicle tracking plan.

There is no tracking shown for access to units 94 to 99, it is therefore expected that crews will have to park on the main spine road and collect, therefore all bins and bags need to be presented closer to the adopted highway, preferably at the location for the bins shown for unit 99.

Based on the design it is our understanding that the roads leading to units 9 to 28, 32 to 39 & 52 to 57 will not be adopted by County Highways? If this is the case the ECDC will require confirmation that all roads have been built to highways standard and the developer will need to provide an indemnity to ECDC.

20 November 2019

Bin collection points for units 19 to 23, 40 & 41, 53 & 54, 76 to 78 & 94 to 98 need to be moved adjacent to the public highway as East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance.

The newest Refuse tracking plan does not show vehicle access past units 9 through 28? Can this be checked and confirm this is the same as the previous tracking plan and that the roads will all be adopted or built to adopted standards?

NHS England - No Comments Received

Anglian Water Services Ltd - 23 August 2019

Water recycling centre - Soham

Water recycling centre capacity? - Yes

Is there foul water capacity in network? - Yes

Comments- We have reviewed the applicant's submitted foul drainage strategy and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage.

Surface Water - N/A

Comments

We have reviewed the applicant's submitted surface water drainage information (Flood Risk Assessment) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability

of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible.

16 December 2019 - **Section 1 - Assets Affected**

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Soham Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Section 3 - Used Water Network

We have reviewed the applicant's submitted foul drainage strategy and flood risk documentation (E3912/500/G DRAINAGE STRATEGY PLAN) and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Condition 11 of outline planning application 17/00481/OUM, to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

We have reviewed the applicant's submitted surface water drainage information (E3912/500/G DRAINAGE STRATEGY PLAN) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning

Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible.

Natural England - 12 August 2019

Please refer to Natural England's letter dated 12 July 2019 (copy attached) regarding appropriate consideration of recreational pressure impacts, through relevant residential development, to sensitive Sites of Special Scientific Interest (SSSI)

Natural England advises that consideration for recreational disturbance to Brackland Rough SSSI is required.

Design Out Crime Officers - 13 August 2019

I confirm that this office has reviewed this Reserved Matters Application - there would appear to be consideration within the design and layout to support community safety and hopefully reduce vulnerability to crime. More than happy to work with the developer should they require advice in regards to a Secured by Design application.

Parish - 28 September 2019

Fordham Parish Council concerns: Access/Exit Road onto Mildenhall Road should be a Bell Mouth (2 lanes of traffic).

17 December 2019 – Seriously consider comments in respect of drainage and flood risk.

Ward Councillors - No Comments Received

Cadent Gas Ltd - 7 August 2019

An assessment has been carried out with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas Transmission plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus. Searches have identified that there is apparatus in the vicinity of your enquiry.

- 5.2 **Neighbours** – A site notice was posted and advert placed in the Cambridge Evening News. 72 neighbouring properties were notified and two responses

received. The responses received are summarised below. A full copy of the responses are available on the Council's website.

- Potential highway problems in combination with other developments on Mildenhall Road.
- Traffic congestion and pollution
- Insufficient green space extra pressure on sewage and water facilities.
- There is a need for affordable housing so any reduction in the amount should not be accepted.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

| | |
|----------|--|
| GROWTH 2 | Locational strategy |
| GROWTH 3 | Infrastructure requirements |
| GROWTH 5 | Presumption in favour of sustainable development |
| HOU 1 | Housing mix |
| HOU 2 | Housing density |
| HOU 3 | Affordable housing provision |
| EMP 1 | Retention of existing employment sites and allocations |
| ENV 1 | Landscape and settlement character |
| ENV 2 | Design |
| ENV 4 | Energy efficiency and renewable energy in construction |
| ENV 7 | Biodiversity and geology |
| ENV 8 | Flood risk |
| ENV 9 | Pollution |
| ENV 14 | Sites of archaeological interest |
| COM 7 | Transport impact |
| COM 8 | Parking provision |

6.2 Fordham Neighbourhood Plan 2018

| | |
|-----------|--|
| Policy 1 | Housing growth |
| Policy 2 | Character and design |
| Policy 8 | Wildlife and Habitats |
| Policy 10 | Pedestrian access and public rights of way |
| Policy 11 | Car parking |
| Policy 12 | Cycle parking and storage |

6.3 Supplementary Planning Documents

Design Guide
Developer Contributions and Planning Obligations
Contaminated Land – Guidance on submitted Planning Application on land that may be contaminated
Cambridgeshire flood and water

6.4 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 4 Decision making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well designed places

- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

6.5 Planning Practice Guidance

7.0 **PLANNING COMMENTS**

7.1 The main issues to consider in determination of this application are;

- Visual impact and layout
- Housing mix and density
- Public open space, landscaped buffer and ecology
- Access and parking
- Noise and residential amenity
- Foul and surface water drainage

7.2 As the principle of residential development has been established with the outline consent, the main issues to consider in the determination of this application are whether it complies with the parameters of the outline consent, visual impact and layout, housing mix and density, public open space, landscaped buffer, trees and ecology, access and parking, noise and residential amenity and foul and surface water drainage.

7.3 The site has outline planning permission with the access approved as part of that permission. The reserved matters application is in line with the outline permission and does not conflict with the conditions and S106 requirements set as part of that permission.

8.0 **Visual impact and layout**

8.1 The visual impact of developing the site would have been accepted in principle at outline stage.

8.2 In allowing the appeal the Inspector accepted that the proposal to develop the site for up to 100 houses would result in no more than a slight adverse impact on the users of the PROW to the south, when the proposed landscaping matures. Thus

the impact of a development of this scale on the edge of the settlement was considered acceptable.

- 8.3 Policy ENV1 requires development proposals to be informed by, be sympathetic to, and respect the capacity of the distinctive character area in which it sits. Development proposals are expected to create a positive relationship with existing development and where possible enhance the pattern of distinctive historic and traditional landscape features, visually sensitive skylines, the settlement edge and key views into and out of settlements. The tranquil nature and nocturnal character of areas should also be considered.
- 8.4 Policy 2 of the Neighbourhood Plan also seeks to ensure delivery of high quality design, responding to context, key features on the site, important characteristics of the surroundings, including materials, design and heights, introducing visual interest, robust green landscaping and adequate amenity space.
- 8.5 Policy 10 of the Fordham Neighbourhood Plan states that development that will be clearly visible from a public right of way should consider the appearance of the proposal from the right of way and incorporate green landscaping to reduce any visual impacts. The Policy also promotes connectivity.
- 8.6 Amendments were sought to the proposal to ensure it retains a landscaped buffer ranging from 10 to 15 metres along the southern boundary which was an important feature within the outline consent, in order to provide a soft buffer to the countryside beyond. A landscaped strip of some 10 metres is also provided along the western boundary and leading to the POS, and provides for a soft edge and screening to the 3 metre high acoustic fencing. The site entrance also provides a soft landscaped entrance feature. It is considered that the proposal accords with the requirements of Policies 2 and 10 of the Neighbourhood Plan.
- 8.7 The dwellings are two storeys in height and the heights range from 7 to 7.8 metres. The one bed flat and maisonette blocks to the west of the site vary in height from 7.5m to 8.5m and are well designed in breaking up the mass of built form by the use of varying heights, staggered building blocks and fenestration.
- 8.8 The application also includes a wide variety of two storey house types, and three single storey dwellings nearest to the noise source of the haulage yard. Materials are grey roof tiles and buff and red bricks with elements of cream and black weatherboard and cream render. These are considered acceptable.
- 8.9 In achieving the layout the developer has had due regard to the constraints of the site which are the provision of the landscaped buffer and noise attenuation measures to alleviate the noise emanating from the adjoining engineering and haulage businesses, and the desire to retain existing landscape features surrounding the site.
- 8.10 The layout provides for an attractive residential development, with a landscaped entrance. Dwellings will front the roads and the open space and buffer zone to the south and south west of the site and feature dwellings are proposed in key locations. The block of maisonettes also sit alongside the open space and footpath to the west of the site and a walking route with seating is to be provided through the

development from the North West corner through the open space and the southern buffer and around the attenuation pond in the south east corner.

- 8.11 Predominantly, detached dwellings are proposed with some semi-detached and two terraced rows. It is also considered that the siting of detached dwellings along the southern boundary is sympathetic to the fact that it will be creating a new edge to the village. Dwellings are spaced and staggered to break up the impression of a large expanse of built form, and set back to the eastern end behind the attenuation pond. Although the materials will differ from the rendered properties to the east, there are elements of render and cream boarding within the development and the use of grey roof tiles will ensure the dwellings do not appear stark from more distant views on the PROW to the south.
- 8.12 The overall scale, massing, height, site coverage and detailing of the built form proposed has been carefully considered so as to respond positively to the constraints of the site, whilst minimising the impacts on existing amenities enjoyed by the occupants of neighbouring properties and complying with the Design Guide SPD. The development of this site for 100 dwellings can be achieved without causing significant harm to the character and appearance of the area and as such complies with Policies ENV 1 and ENV 2 of the Local Plan and Policies 2 and 10 of the Neighbourhood Plan.

9.0 Housing mix and density

- 9.1 The density has been accepted within the outline application in approving up to 100 houses. The density is 24 dwellings per hectare (10 per acre). The application proposes 100 dwellings, 40 of which are affordable housing. This equates to 40% and accords with the outline planning permission and Policy HOU3, and has been secured by S106 legal agreement. The precise mix and tenure is also now acceptable to the Senior Housing Strategy and Enabling Officer.
- 9.2 The affordable dwellings are sited as groups to the west, north and east of the site. The mix of affordable units is 7 x1 bed units, 21 x 2 bed units, 11 x 3 bed units and 1 x 4 bed unit.
- 9.3 The mix of the market dwellings is 5 x 2-bed (8%), 18 x 3-bed (30%), 33 x 4-bed (55%) and 4 x 5 bed (7%). This accords with the mixes set out within Policy HOU 1 other than in the case of the 4 bed dwellings which exceed the indicative property size guide which is 47%. However, these figures are indicative and the scheme broadly accords with them and the requirements of Policy 2 of the Fordham Neighbourhood Plan to provide for a mix of dwelling styles and sizes. This housing mix is considered acceptable and accords with Policies HOU 1, HOU 2 of the Local Plan and Policy 2 of the Neighbourhood Plan, as it respects the local area.
- 9.4 In respect of the requirements of Policy HOU 2 to provide for self build plots on developments of 100 dwellings or more, this requirement was not secured within the Unilateral Agreement which accompanied the appellants appeal case and therefore this cannot be secured, as part of this reserved matters application.

10.0 Public open space, landscaped buffer and ecology

- 10.1 The amount of public open space provision on site is 1.5 ha (3.7 acres), excluding the focal entrance point and the wet basin area. A children's play area is also included within the main open space area to the south west of the site. This accords with the Developer Contributions SPD. These areas will be landscaped using native shrubs, hedgerows and wildflower mix and the long term maintenance is secured by the S106.
- 10.2 Following discussions with the applicant the landscaped buffer along the southern boundary and the planting alongside the noise attenuation fence has been greatly enhanced, and will provide for dense foliage at different heights to provide a robust buffer strip. The Councils Tree Officer has appraised the scheme and is satisfied that the planting scheme will provide a robust landscaped buffer. Discussions have taken place about the long term management of this area. In accordance with the S106 these areas will be offered to the Council for adoption and long term maintenance.
- 10.3 The updated ecology report walkover survey concludes that the majority of the site has not changed since the time of the previous ecological assessment in November 2016. The report makes recommendations and enhancements and states that the development is unlikely to be detrimental to protected species or habitats provided the recommendations are followed.
- 10.4 Most boundary trees, with the exception of the large conifers bordering the haulage yard, and boundary hedges will be retained and enhanced with native and wildlife attracting trees and shrubs, including wildflower meadow areas, and the inclusion of four bat and eight bird boxes to cater for sparrow and swift.
- 10.5 The plant species will retain and enhance boundaries with a range of native species, creation of seasonally wet infiltration basin planted with species suitable for wetlands. The use of native species of local provenance will represent an enhancement in biodiversity value. It is considered that the new planting scheme will deliver an enhancement in biodiversity value and be of benefit for a range of faunal species. New habitat creation is proposed within the POS, attenuation basin and site boundaries and there will be improvements to ecological connectivity.
- 10.6 The Landscape Strategy booklet also demonstrates how the layout and design of the on site green infrastructure considers its multi-functional use. It is considered that the proposal does contribute to biodiversity gain on the site and accords with Policy ENV 7 of the Local Plan and Policy 8 of the Neighbourhood Plan.
- 10.7 In respect of Natural England's comments regarding the recreational pressure on nearby designated sites, this matter was dealt with when the outline permission was decided at appeal.
- 11.0 Access and parking**
- 11.1 The access to the site has already been agreed within the outline planning permission. Pedestrian linkages have been shown to the north west corner through the open space. The County Highway Authority are satisfied with the internal layout and that the roads will be built to adoptable standards and all properties meet the wheeled bin drag distances to roadside collection points. Amendments have been

made to the parking arrangements which now accords with the adopted standards and Policy COM8, including 25 visitor's spaces in appropriate places across the site. This is also considered to accord with Policy 11 of the Neighbourhood Plan in ensuring that not restricting the movement of vehicles and pedestrians and that unplanned on-street parking is minimised. In addition any courtyard parking are suitably located close to the entry point of the associated dwelling to ensure they are used appropriately, in accordance with Policy 11.

- 11.2 25 plots rely on tandem parking, although some properties have more than two spaces allocated (including garage space). This is considered to be acceptable in giving a mix of parking arrangements.
- 11.3 Based on the consultation responses from County Highways, who are now satisfied with the amendments made, it is considered that the layout demonstrates a safe and accessible environment, allowing sufficient parking, manoeuvring and visitors parking provision. The proposal also provides for a network of routes for pedestrians and cyclists. The Designing out Crime Officer is also satisfied with the layout. The proposal therefore complies with Policies COM 7 and COM 8.
- 11.4 Policy 11 further requires the provision of facilities for electric plug-in vehicles with an adequate number and in convenient locations. These details will be conditioned for submission following the grant of planning permission.
- 11.5 Policy 12 of the Neighbourhood Plan and Policy COM8 also require provision of secure cycle parking. This has been provided across the site for each dwelling.

12.0 Noise and residential amenity

- 12.1 The residents impacted by this development are to the east and north of the site. These properties generally have long and generous rear gardens. Although some level of overlooking will occur this cannot be completely avoided and the rear garden depths of the new dwellings are at least 10 metres to the rear boundary, in accordance with the Design Guide SPD.
- 12.2 The layout has been assessed and it is considered that it provides a satisfactory level of amenity for the future residents of the dwellings, in relation to plot sizes and design/positioning of dwellings. The residential amenity of future occupiers has also been assessed. The garden sizes accord with the Design Guide SPD as do the distances between houses.
- 12.3 The outline permission considered the noise impact from the two businesses adjoining the site to the west and north. Convinced that noise could be adequately mitigated the Inspector attached a condition to the outline planning permission to ensure that no noise sensitive frontages or rooms face noise creating areas or sources, taking into account the inclusion of a 3 metre high acoustic fence along the northern and western boundaries of the site. A Noise Assessment and mitigation scheme has been submitted and the Environmental Health Officer has advised that acceptable internal and external noise levels can be achieved with the proposed layout and allowing for windows to be open. The applicant has successfully demonstrated through clever use of layout and internal arrangements, that noise sensitive rooms are safeguarded. This has been achieved by siting the two storey

block of maisonettes along the western boundary to deflect noise, and by then ensuring that only non-noise sensitive rooms are located along the western façade. Also the siting of three single storey dwellings along the boundary with the haulage yard and by orientation of dwellings.

- 12.4 It is considered that the residential amenity of the future occupiers will be safeguarded in terms of any overlooking or noise disturbance. The proposal therefore accords with Policies ENV 2 and ENV 9 of the Local Plan.

13.0 Foul and surface water drainage

- 13.1 Foul water drainage will be to the public sewer with provision of a pumping station on site, adjoining the attenuation basin to the south east corner of the site. From there flows will be pumped north to the existing sewer. Anglian Water have advised that the impacts on the foul sewage network is acceptable.

- 13.2 Surface water drainage – Where ground conditions allow, the sustainable system manages flows through infiltration and includes areas of permeable paving, an infiltration trench and an infiltration basin. These have been designed to be a maximum of 2 metres deep from current ground levels. In the worst storm event the water depth in the basin is likely to be 1.2 metres deep, but for the large part the bottom of the basin will be soggy but without standing water. Surface water from roads will be collected by a piped network under the roads and adopted by Anglian Water.

- 13.3 The Lead Local Flood Authority initially objected to the scheme but following a fifth amendment to the scheme their objections have been overcome. The scheme therefore accords with Policy ENV 8 and the Flood and Water SPD.

14.0 Planning balance

- 14.1 The site is located adjoining the settlement boundary and has outline planning permission. Given the lack of a five year housing land supply and the need for housing it is considered that the benefits of the proposal outweigh any adverse impacts. Having considered any adverse impacts, the proposal is not considered to be significantly and demonstrably harmful and is therefore recommended for approval.

- 14.2 Overall the proposal complies with the conditions and parameters of the outline permission and complies with Policy.

15.0 COSTS

- 15.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.

- 15.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a

local planning authority has been able to provide evidence to justify a refusal reason or a condition.

15.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

15.4 In this case Members' attention is particularly drawn to the following points: outline planning permission has been granted and no statutory consultees object.

16.0 **APPENDICES**

16.1 Appendix 1 – Recommended conditions.

| <u>Background Documents</u> | <u>Location</u> | <u>Contact Officer(s)</u> |
|------------------------------------|--|---|
| 19/01054/RMM | Barbara Greengrass Room No. 011 The Grange | Barbara Greengrass Planning Team Leader |
| 17/00481/OUM | Ely | 01353 665555 barbara.greengrass @eastcambs.gov.uk |

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 19/01054/RMM Conditions

1 Development shall be carried out in accordance with the drawings and documents listed below

| Plan Reference | Version No | Date Received |
|----------------|------------|--------------------|
| 443-LP-01 | A | 31st July 2019 |
| 443-SK-01 | REV G | 14th January 2020 |
| 443-SK-02 | REV G | 14th January 2020 |
| 443-SK-04 | REV D | 19th December 2019 |
| 443-SK-05 | REV D | 19th December 2019 |
| 443-SK-06 | REV D | 19th December 2019 |
| 443-SK-07 | REV H | 14th January 2020 |
| 443-SK-08 | REV A | 28th November 2019 |
| 443-SK-09 | | 24th July 2019 |

| | | |
|----------------------------------|---------------------|--------------------|
| A/1214/00/AT/01 | F | 24th July 2019 |
| A/1214/00/CB/02 | F | 24th July 2019 |
| A/1214/00/CW/02 | F | 24th July 2019 |
| A/1288/00/AT/01 | C | 24th July 2019 |
| A/1288/00/CB/02 | C | 24th July 2019 |
| A/1288/00/CW/02 | C | 24th July 2019 |
| A/1335/00/AT/01 | C | 24th July 2019 |
| A/1335/00/CB/02 | C | 24th July 2019 |
| A/1512/00/AT/01 | C | 24th July 2019 |
| A/1512/00/CB/02 | C | 24th July 2019 |
| A/1688/00/AT/01 | E | 24th July 2019 |
| A/1688/00/CB/02 | E | 24th July 2019 |
| A/1901/00/AT/01 | D | 24th July 2019 |
| A/1901/00/CB/02 | D | 24th July 2019 |
| A/1901/00/CW/02 | D | 24th July 2019 |
| A/637/00/CB/01 | | 24th July 2019 |
| A/640/00/CB/01 | | 24th July 2019 |
| A/750/00/CB/02 | | 19th December 2019 |
| A/767/00/CB/01 | B | 19th December 2019 |
| A/767/00/CB/02 | REV A | 28th November 2019 |
| A/767/00/CB/03 | REV B | 19th December 2019 |
| A/921/00/AT/01 | E | 24th July 2019 |
| A/921/00/CB/02 | E | 24th July 2019 |
| A/921/00/CB/03 | | 19th December 2019 |
| A/921/00/CB/05 | | 19th December 2019 |
| A/921/00/CW/02 | E | 24th July 2019 |
| A/951/00/AT/01 | E | 24th July 2019 |
| A/951/00/CB/02 | E | 24th July 2019 |
| A/951/00/CW/02 | E | 24th July 2019 |
| A/981/00/AT/01 | F | 24th July 2019 |
| A/981/00/CB/R1/02 | F | 24th July 2019 |
| A/G13/00/CB/01 | | 24th July 2019 |
| A/G14/00/CB/01 | | 24th July 2019 |
| Arboricultural Impact Assessment | C | 24th July 2019 |
| Arboricultural Method Statement | C | 24th July 2019 |
| E3912/200/D | | 14th January 2020 |
| E3912/265 | INFILTRATION | 19th December 2019 |
| E3912/500/H | DRAINAGE STRATEGY | 19th December 2019 |
| E3912/510//E | | 21st August 2019 |
| E3912/600/D | FFL Levels | 19th December 2019 |
| E3912/791/G | REFUSE TRACKING | 19th December 2019 |
| E3912/792/H | FIRE TRACKING | 19th December 2019 |
| E3912/793/A | CAR TRACKING | 19th December 2019 |
| E3912/TN1 | APPENDICES PART 1-3 | 19th December 2019 |
| E3912/TN1 A | SW DRAIN TN COND 13 | 28th November 2019 |
| E3912/TN2 | APPENDICES | 19th December 2019 |
| E3912/TN2 A | FW DRAIN | 28th November 2019 |
| EDS 07-3102.01 | C | 24th July 2019 |
| Ecology Walkover Survey | | |

| | | |
|--|-----------------------|--------------------|
| Report | | 24th July 2019 |
| FOR-EW-01 | ENTRY WALL DESIGN | 28th November 2019 |
| FRA 16 1032 | | 24th July 2019 |
| INFILTRATION RESULTS | | 21st August 2019 |
| JBA 19/155 ECO01 | A | 24th July 2019 |
| JBA 19/155-01 | REV E Design Strategy | 19th December 2019 |
| JBA 19/155-02 | H | 22nd January 2020 |
| JBA 19/155-03 | REV H | 19th December 2019 |
| JBA 19/155-04 | REV H | 14th January 2020 |
| JBA 19/155-05 | REV H | 19th December 2019 |
| JBA 19/155-06 | REV G | 19th December 2019 |
| Landscape Management & Maintenance Plan | REV B COND 15 | 28th November 2019 |
| MICRO DRAINAGE RESULTS | | 21st August 2019 |
| NHBC Energy Statement | | 28th November 2019 |
| Noise Assessment & Mitigation | REV 2.0 | 28th November 2019 |
| Street Scenes | | 24th July 2019 |
| Surface Water Report | | 24th July 2019 |

- 1 Reason: To define the scope and extent of this permission.

- 2 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.

- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.

- 3 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on drawing number 443-SK-07 Rev H received 14th January 2020 . The boundary treatments shall be in situ and completed prior to the first occupation of the plot to which it relates. All works shall be carried out in accordance with the approved details and retained thereafter.

- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy 1 of the Fordham Neighbourhood Plan 2018.

- 4 Prior to, during construction and prior to occupation, the recommendations and enhancements within the Ecology walkover survey, James Blake Assoc Ltd, dated 18 July 2019, shall be adhered to and implemented in full.

- 4 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and Policy 8 of the Fordham Neighbourhood Plan.

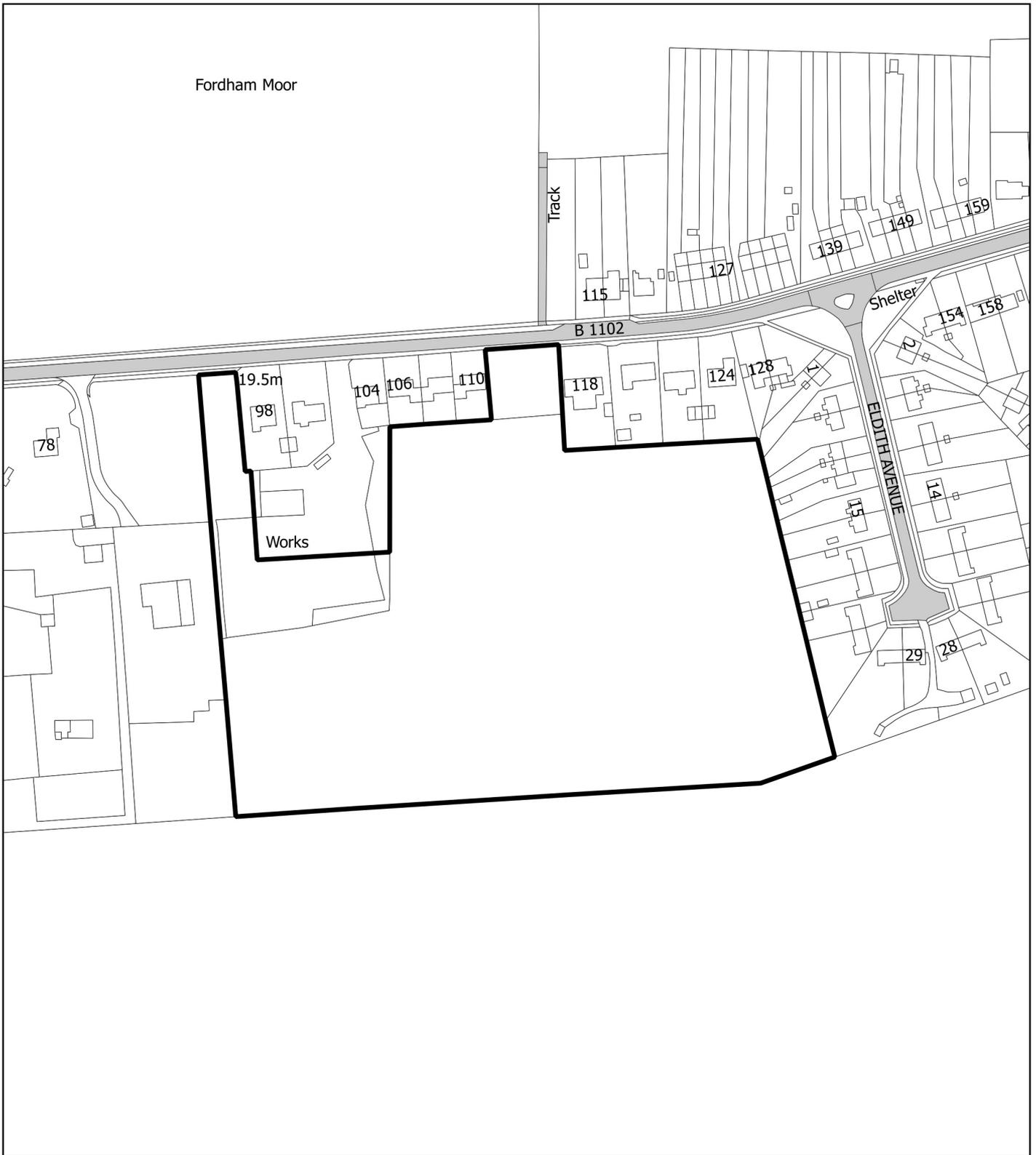
- 5 The development shall be built in accordance with the Flood Risk Assessment and Drainage Strategy, LK Consult Ltd dated February 2017 and received 24 July 2019, and

accompanying Technical Notes 1 and 2 received 19 December 2019 and drawing number E3912/500 Rev H, received 19 December 2019.

- 5 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 6 The tree protection measures as shown within the Arboricultural Impact Assessment, James Blake Assoc, dated 15 July 2019 and received 24 July 2019 shall be implemented prior to the commencement of development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 6 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and Policy 2 of the Fordham Neighbourhood Plan 2018.
- 7 Prior to first occupation of any dwelling the landscaping and parking areas associated with that plot or the retail unit shall be provided in accordance with the approved landscaping drawings, or in accordance with any alternative timetable agreed in writing with the Local Planning Authority.
- 7 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy 2 of the Fordham Neighbourhood Plan 2018.
- 8 The materials to be used in the construction of the external surfaces, including walls and roofs, shall be as specified on drawing number 443-SK-04 Rev D received on 19 December 2019. All works shall be carried out in accordance with the approved details.
- 8 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy 2 of the Fordham Neighbourhood Plan 2018.
- 9 Prior to first occupation of any dwelling a scheme for the provision of facilities for electric plug-in vehicles shall be submitted to and approved in writing by the Local Planning Authority and thereafter, provided prior to first occupation of the dwelling to which it relates.
- 9 Reason: In accordance with the aims of the NPPF to provide for sustainable transport modes and Policy 11 of the Fordham Neighbourhood Plan.
- 10 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details

approved on drawing number 443-SK-01 Rev G in writing by the Local Planning Authority.

- 10 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 11 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 11 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 12 No above ground construction shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 12 Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy COM7 of the East Cambridgeshire Local Plan 2015.



19/01054/RMM

Land rear of
98 to 118 Mildenhall Road
Fordham



East Cambridgeshire
District Council

Date: 21/01/2020
Scale: 1:2,500



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MAIN CASE

Reference No: 19/01690/FUL

Proposal: Addition of roof lights (front elevation) to Attic level

Site Address: 4 Priory Gardens Isleham Ely Cambridgeshire CB7 5ZB

Applicant: Mr David Fitchett

Case Officer: Gemma Driver, Planning Assistant

Parish: Isleham

Ward: Fordham And Isleham
Ward Councillor/s: Julia Huffer
Joshua Schumann

Date Received: 6 December 2019 **Expiry Date:** 12/02/2020

[U160]

1.0 RECOMMENDATION

- 1.1 Members are recommended to APPROVE this application subject to the recommended conditions below. The conditions can be read in full on the attached appendix 1.
- 1) Approved Plans
 - 2) Time Limit
 - 3) Materials

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks consent to insert three roof lights to the front elevation of the roof slope of no.4 Priory Gardens. One roof light, serving the bathroom, has already been installed therefore, the application is part-retrospective. The existing roof light measures 600mm in width and 700mm in height. The two proposed roof lights would measure 800mm in width by 900mm in height. The roof lights would be aluminium in material. The application is required because permitted development rights to install any additional windows at upper floor levels were removed under Condition 12 of application 99/00323/FUL (see appendix 2).
- 2.2 The application was called in to Planning Committee by Councillor Huffer as the application has a lot of local concern.

2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 **PLANNING HISTORY**

3.1

| | | | |
|--------------|--|----------|------------|
| 97/00401/OUT | Residential development | Approved | 03.06.1998 |
| 99/00323/FUL | Erection of Five Dwellings | Approved | 02.02.2000 |
| 04/00922/FUL | Single storey side extension | Approved | 15.09.2004 |
| 15/00583/CLE | Convert part of existing garage to additional ancillary domestic accommodation | Approved | 01.06.2015 |

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The application site is a detached dwelling, located in Isleham, within the development envelope and in a residential area. The dwelling is located down a private road accessed from West Street. Priory Gardens is comprised of five dwellings. No.1A Priory Gardens was approved under a separate permission (reference number 02/00716/FUL) in 2002. The access to the site is located within the Conservation Area, however the dwelling itself is situated outside of the Conservation Area. The property features a driveway to the front with a detached garage located to the East of the dwelling. The streetscene comprises of detached dwellings all of which are of a different visual appearance but similar in design.

5.0 **RESPONSES FROM CONSULTEES**

5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Parish Council - 7 January 2020

We believe that it was a condition of the original planning approval for these residences that they didn't have skylight windows, which may have already been breached by the applicant.

We believe that any further windows would result in:

- Loss of privacy.
- Changing the appearance of residences in Priory Close

Ward Councillors - No Comments Received

5.2 **Neighbours** – Four neighbouring properties were notified by post and the responses received from three properties are summarised below. A total of three responses have been received. A full copy of the responses are available on the Council's website.

- The proposed addition of roof lights would adversely impact the character of the area
- The roof lights would cause an unacceptable loss of privacy and amenity by overlooking
- The uniform clay tiled rooflines of the houses in Priory Gardens are a vital component of the pleasing appearance of the development
- Any addition to the front elevation of any roof would substantially detract from the visual appeal of Priory Gardens
- The proposed changes appear to be complete with the exception of the windows to attic room 2 and the rooms appear to have been occupied
- The central roof light was installed without consultation over two years ago, together with a soil vent pipe
- The appearance is unfortunate
- The bathroom is readily visible from the road and has been in regular use
- The proposed roof lights to attic room 2 are large and would amount to a gross intrusion upon neighbouring properties, not only in Priory Gardens but also in the area beyond
- A window of any size at roof level affords a view over the neighbouring houses and into bedroom windows, this level of overlooking is an unacceptable loss of privacy and hence amenity
- Privacy will be jeopardised as they will overlook into the garden of no. 1A Priory Gardens
- The existing roof light, installed without permission, already affords a view through two bedrooms and the landing of no.1a Priory Gardens and now have to ensure privacy by taking the precaution of living with closed doors upstairs
- Concerned that the application would set a precedence
- The addition of roof lights will provide line of sight directly into the east facing bedrooms in no.1 Priory Gardens
- Addition of roof lights will detract from the character, desirability and sale price of properties in Priory Gardens
- Contrary to the planning conditions set out in (E/99/0323/F)
- Line of sight from no.1 Priory Gardens bedrooms to occupants of the room are now exposed by the fitted roof light

6.0 **The Planning Policy Context**

6.1 **East Cambridgeshire Local Plan 2015**

ENV 1 Landscape and settlement character
ENV 2 Design

6.2 **Supplementary Planning Documents**

6.3 National Planning Policy Framework 2019

12 Achieving well-designed places

7.0 PLANNING COMMENTS

7.1 It should be noted that the proposal description was amended to include 'part retrospective' to acknowledge that one of the roof lights has already been installed on the roof, which serves the bathroom.

7.2 The main issues to consider in the determination of this application are the impact it may have on the residential amenity of nearby occupiers and the impact it may have on the visual appearance and character of the wider area.

7.3 Principle of Development

7.3.1 A full application for the erection of 5 dwellings was approved under application 99/00323/FUL. Condition 12 of that permission removes permitted development rights to add any additional windows, doors or openings of any kind in any elevation at ground and upper floor levels without the expressive consent from the Local Planning Authority. The condition was imposed in order to safeguard the reasonable residential amenities of adjoining properties. Therefore, a planning application is required for the installation of the roof lights, and are subject of this part-retrospective application.

7.3.2 The proposed roof lights would be installed on the roof of the front elevation of the dwelling. The proposed development is considered to be acceptable, subject to the material considerations relating to visual amenity and residential amenity, which are explained in more detail in this report.

7.4 Residential Amenity

7.4.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.

7.4.2 The Design Guide, SPD states that distance between rear inter-visible windows should be a minimum of 20 metres. It goes on to state that where dwellings already exist with windows closer than 10 metres to the boundary, it will not be incumbent to make up any shortfall in the prescribed separation distance. Whilst these distances are only applicable for rear windows, it can be proven that these distances have been more than met with this proposal.

7.4.3 The separation distance from the proposed roof lights to the closest point of no.5 Priory Gardens is 25 metres, this is the nearest dwelling to the proposed roof lights. The distance between the proposed roof lights and no.1A Priory Gardens is 67 metres. The distance between the proposed roof lights and no.1 Priory Gardens is 45 metres. The distance between the proposed roof lights and no.2 Priory Gardens

is 30 metres. It is considered that the proposal would not provide any potential to overlook no.3 Priory Gardens due to no.4 positioned forward of no.3 Priory Gardens, therefore this distance has not been measured.

- 7.4.4 Consultee comments received from neighbouring dwellings raise concerns regarding the proposed roof lights providing line of sight into bedrooms. The proposed roof lights would be looking out onto the front elevation of neighbouring dwellings, and therefore it is not considered that the roof lights would be overlooking into private amenity space.
- 7.4.5 During the site visit, access was gained to the dwelling in order to obtain views from the existing roof light, which serves the bathroom, and the existing windows at first floor level on the front elevation. It was considered that views from the first floor windows already provide a clearer line of sight towards neighbouring dwellings than from the existing roof light that is included as part of this proposal. Due to the existing presence of windows on this elevation, together with the separation distances stated above, it is considered that the proposal would not result in an increased level of overlooking.
- 7.4.6 The agent has confirmed that the cill height would be located at 1.5 metres above floor level. The height of this is not considered to be unreasonable and would not enhance views to neighbouring dwellings any more so than the existing windows at first floor level.
- 7.4.7 It is considered that the location and size of the proposed roof lights would not create any significantly detrimental impact on the residential amenity of nearby occupiers and would therefore comply with Policy ENV2 of the Local Plan 2015.

7.5 Visual Amenity

- 7.5.1 Policy ENV1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.
- 7.5.2 Whilst it is acknowledged that the proposal would create a slight change to the existing appearance of the dwelling within the streetscene, it is considered that the proposed roof lights would not significantly alter the external appearance of the dwelling to warrant refusal of the application on this basis.
- 7.5.3 It is considered that the proposed materials for the roof lights would not detract from the streetscene and would not create a detrimental impact upon the existing character and appearance of the area. Therefore the proposal complies with Policy ENV1 of the Local Plan that requires materials and colour to relate sympathetically to the surroundings.
- 7.5.4 Concerns have been raised during the neighbour consultation regarding the visual impact of the proposal. These concerns include that the proposed roof lights would

substantially detract from the visual appeal of Priory Gardens. Further to this, concerns have been raised that if granted permission, the proposal could set a precedence which would lead to an unsightly deformation of the existing elegance of Priory Gardens. It should be noted that each application is assessed on their own merits. Furthermore, it is considered that the addition of the roof lights are a minor addition to the dwelling which would not detract from the existing appearance of the dwelling or from the character of the area.

7.5.5 It is considered that the design of the proposal would not significantly alter the appearance of the dwelling and would not harm the character or appearance of the existing dwelling or its immediate locality and would therefore comply with Policies ENV1 and ENV2 of the Local Plan 2015.

7.6 **Other Material Matters**

7.6.1 A number of concerns have been raised by neighbours regarding the proposed roof lights detracting from the desirability of Priory Gardens and how the proposal may affect the future sale prices of properties within Priory Gardens. Property value is not a material planning consideration and therefore cannot be considered in the determination of this application.

7.7 **Planning Balance**

7.7.1 On balance, the proposal is considered to be compliant with the relevant local and national policies referred to above. The proposal is not considered to create significantly harmful impacts to the private amenity of neighbouring dwellings or the visual amenity and character and appearance of the area. This application is therefore recommended for approval.

8.0 **APPENDICES**

8.1 Appendix 1 – Recommended conditions

8.2 Appendix 2 – Decision Notice for 99/00323/FUL

| <u>Background Documents</u> | <u>Location</u> | <u>Contact Officer(s)</u> |
|------------------------------------|--|--|
| 19/01690/FUL | Gemma Driver Room No. 011 The Grange | Gemma Driver Planning Assistant 01353 665555 gemma.driver@east camb.s.gov.uk |
| 04/00922/FUL | Ely | |
| 15/00121/FUL | | |
| 15/00583/CLE | | |

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

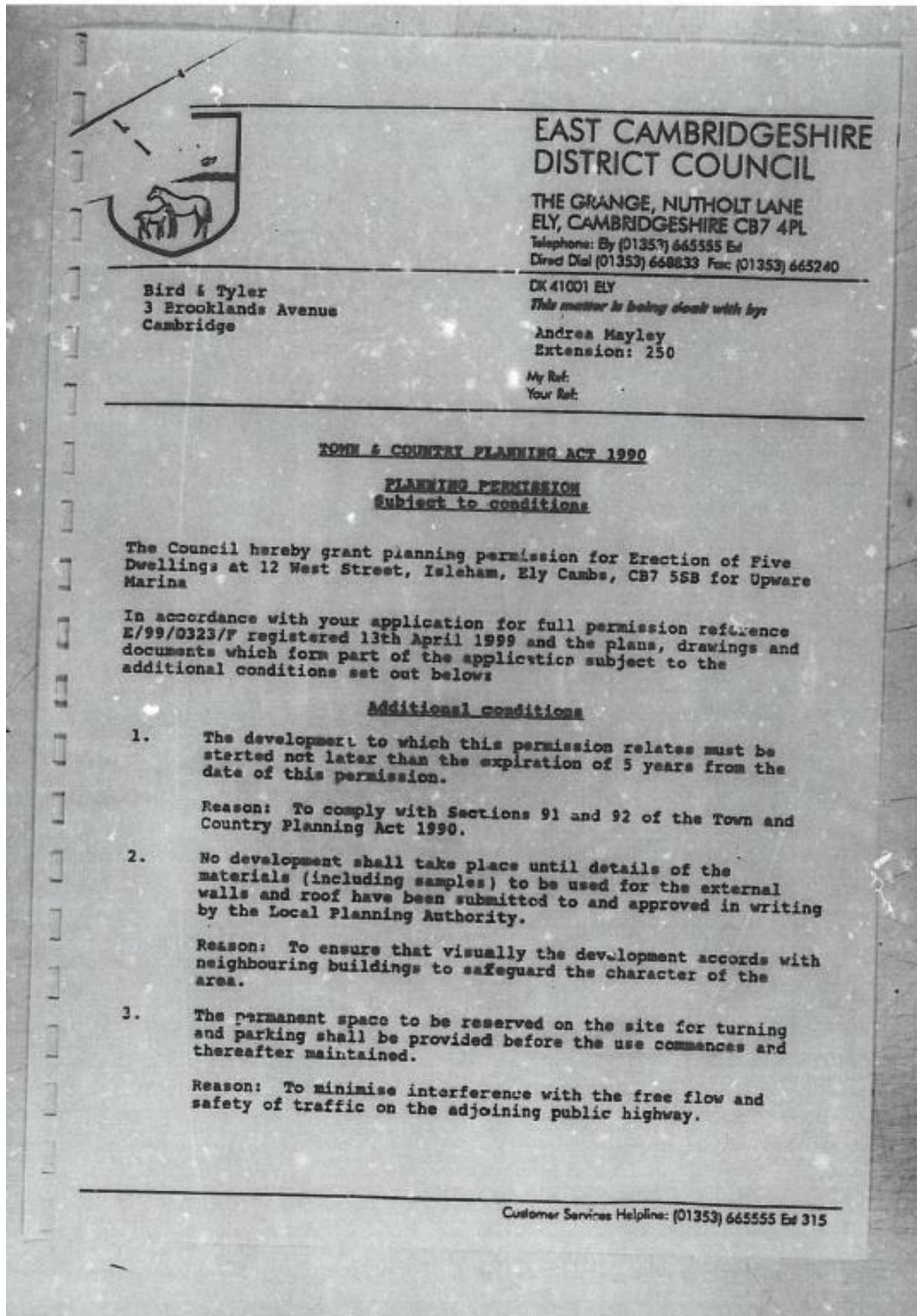
<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 19/01690/FUL Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

| Plan Reference | Version No | Date Received |
|----------------|------------|-------------------|
| 19.02.100 | B | 6th December 2019 |
| 19.02.101 | B | 6th December 2019 |
| 19.02.104 | B | 6th December 2019 |
| 19.02.110 | B | 6th December 2019 |
| 19.02.404 | B | 6th December 2019 |
| 19.02.410 | B | 6th December 2019 |

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The materials to be used in the construction of the external surfaces, including windows, shall be as specified on the application form. All works shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.



4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: To safeguard the character of the area and to help to assimilate the development into its surroundings.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the character of the area and to help to assimilate the development into its surroundings.

6. No demolition, site clearance or building operations shall commence until chestnut pale fencing (or other type of fencing approved by the Local Planning Authority) of a height not less than 1.3 metres has been erected around each tree or tree group to be retained on site at a radius from the trunk of not less than 3.6 metres (12ft) or the extent of the crown spread plus one metre, whichever is the greater of the two. Such fencing shall be maintained to the satisfaction of the Local Planning Authority during the course of the development operations. Any tree(s) removed without consent or dying or being severely damaged or becoming seriously diseased during the period of development operations shall be replaced in the next planting season with a tree(s) of such size and species as shall have been previously agreed in writing with the Local Planning Authority.

Reason: To protect trees which are to be retained in order to enhance the development and the visual amenities of the area.

7. Prior to the demolition of the clunch wall, detailed specification for the replacement wall shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interest of the character of the area.

8. No development shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. Any trees screening, hedges, walls or fences thus approved shall be planted/erected prior to the occupation of the building(s).

Reason: In the interest of the amenity and the environment of the development.

9. Details, at a scale which indicates clearly the size and shape of sections, shall be submitted for the written approval of the Local Planning Authority before commencement of development, covering the following:

i) External joinery details.

Reason: To preserve the special architectural and historic interest of the building.

10. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: To safeguard the archaeological interests of the site.

11. No structures, buildings, planting shall be erected/placed on the area marked "Stand Off" on the approved plan, without prior written agreement from the Local Planning Authority in consultation with the County Archaeologist.

Reason: To safeguard the archaeological interests of the site.

12. Notwithstanding the Town and Country Planning General Development Order 1988 (or any order revoking or re-enacting that order) no additional windows, doors or openings of any kind shall be formed in any elevation(s) at ground and upper floor levels of the approved development without the permission of the Local Planning Authority.

Reason: To safeguard the reasonable residential amenities of adjoining properties.

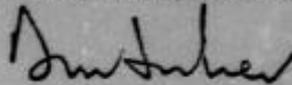
13. The development shall be carried out and completed strictly in accordance with the approved details to the satisfaction of the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the complete and proper development of the site.

Notes

1. The approved plans for this application are as originally submitted with the application and the obligation attached to E/97/0401/O dated 19.3.99 and the development should be completed strictly in accordance with these plans. Any amendments to the approved plans must be first agreed in writing by the Local Planning Authority.
2. This development should be carried out in strict accordance with the provisions of the Environment Agency letter which attaches to this consent.

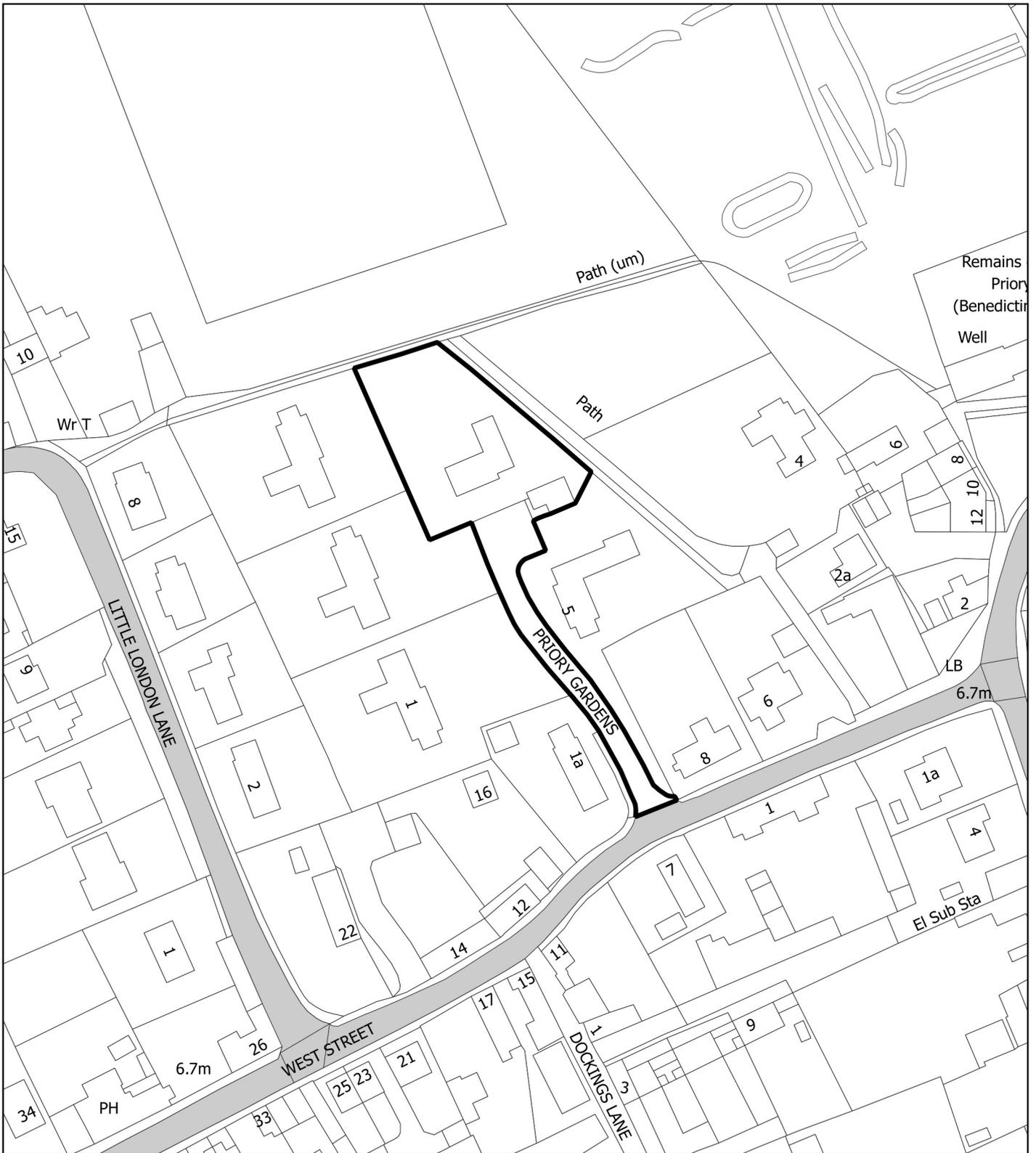
This permission is granted subject to due compliance with the by-laws and general statutory provision in force in the District and does NOT constitute approval under Building Regulations. To discuss this further you are advised to contact the Building Regulations Section at the District Council.



Dated: 22nd June 1999

Planning Manager

See separate sheet for information concerning rights of appeal.



19/01690/FUL

4 Priory Gardens
Isleham



East Cambridgeshire
District Council

Date: 21/01/2020
Scale: 1:1,250



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Planning Performance – December 2019

Planning will report a summary of performance. This will be for the month before last month, as this allows for all applications to be validated and gives a true representation.

All figures include all types of planning applications.

| | Total | Major | Minor | Householder | Other | DIS /NMA | Trees |
|-------------------------------|--------------|--------------------------------------|------------------------------------|-------------------------------------|-------------------------------------|------------------------------------|-------------------------------------|
| Validation | 127 | 2 | 41 | 34 | 10 | 20 | 20 |
| Determinations | 142 | 3 | 28 | 31 | 7 | 32 | 41 |
| Determined on time (%) | | 100% (90% within 13 weeks) | 96% (80% within 8 weeks) | 100% (90% within 8 weeks) | 100% (90% within 8 weeks) | 66% (80% within 8 weeks) | 98% (100% within 8 weeks) |
| Approved | 118 | 3 | 15 | 25 | 4 | 31 | 40 |
| Refused | 24 | 0 | 13 | 6 | 3 | 1 | 1 |

| Open Cases by Team (as at 20/01/2020) | | | | | | | |
|--|------------|-----------|-----------|-----------|-----------|-----------|-----------|
| Team 1 (2.5 FTE) | 119 | 15 | 37 | 14 | 15 | 38 | 0 |
| Team 2 (3 FTE) | 119 | 13 | 32 | 22 | 18 | 34 | 0 |
| Team 3 (3 FTE) | 92 | 6 | 22 | 26 | 10 | 28 | 0 |
| No Team (4 FTE) | 95 | 12 | 36 | 2 | 11 | 11 | 23 |

No Team includes – Trees Officer, Conservation Officer and Agency Workers (x2)

The Planning department received a total of 147 applications during December which is an 11% decrease on December 2018 (166) and 20% decrease from November 2019 (184).

Valid Appeals received – 1

3 Nunns Way Sutton – Delegated Decision

Appeals decided – 4

Mydentist 26 St Marys Street Ely – Dismissed – Delegated Decision

3 Main Street Wentworth – Dismissed – Committee Decision

Land Rear Of Whitegate Farm Witcham Road Mepal – Dismissed – Delegated Decision

57 Parsons Lane Littleport – Appeal turned away by PINs as received outside the time limit – Delegated Decision

Enforcement

New Complaints registered – 15 (0 Proactive)

Cases closed – 21 (5 Proactive)

Open cases/officer (2.5FTE) – $239/2.5 = 95.6$ per FTE (27 Proactive)

Notices served – 1

Enforcement Notice - G T & S E Taylor & Sons 17 Oak Lane Littleport– Effective from 29/01/2020

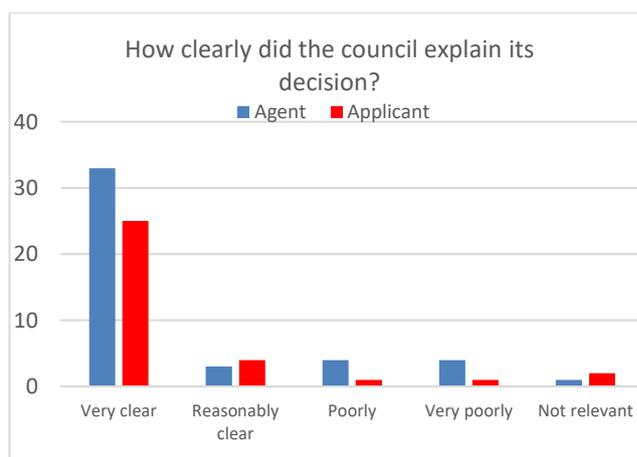
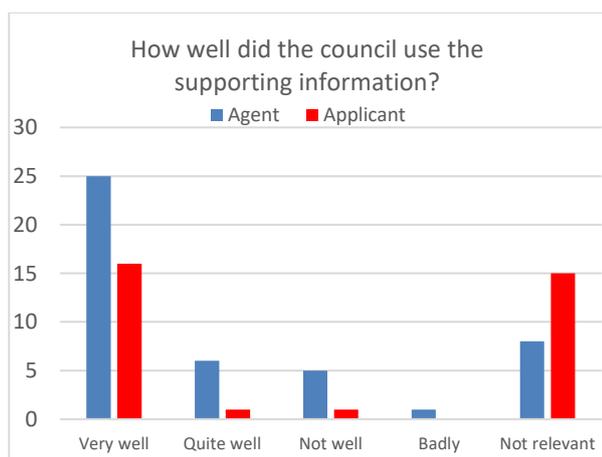
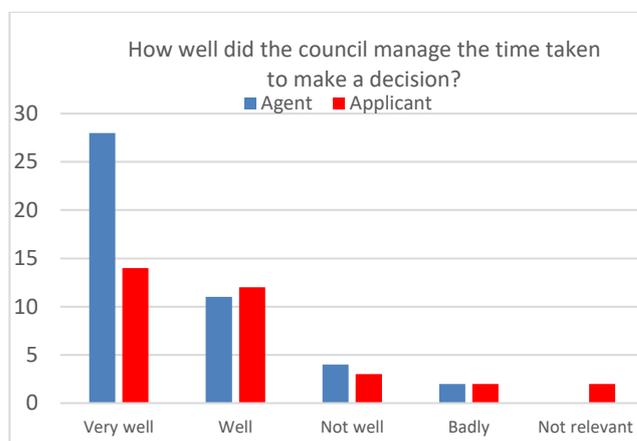
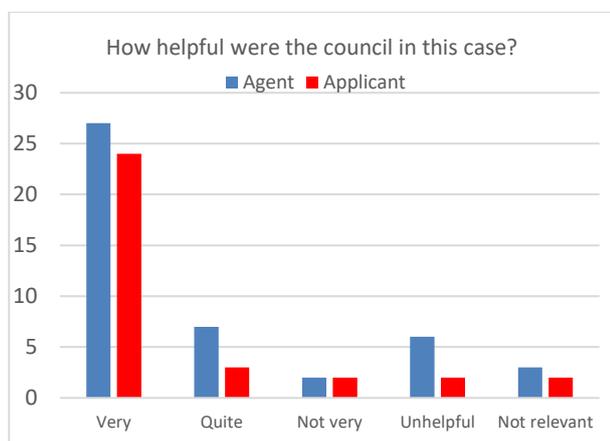
Planning Customer Satisfaction Survey – 6 month feedback

The Planning Department have been sending Customer Satisfaction Surveys to all Agents, Applicants and members of public who comment on applications and who have supplied an email address, for applications that have been closed, either permitted, refused or withdrawn, so that we can review their experience of the application process.

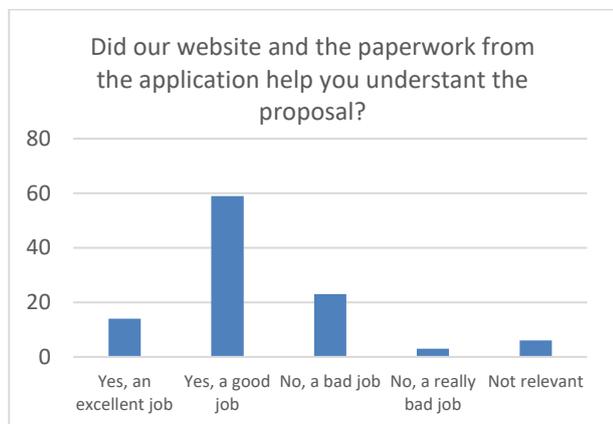
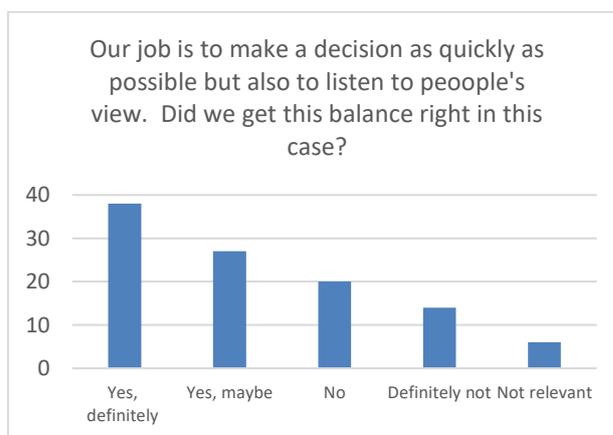
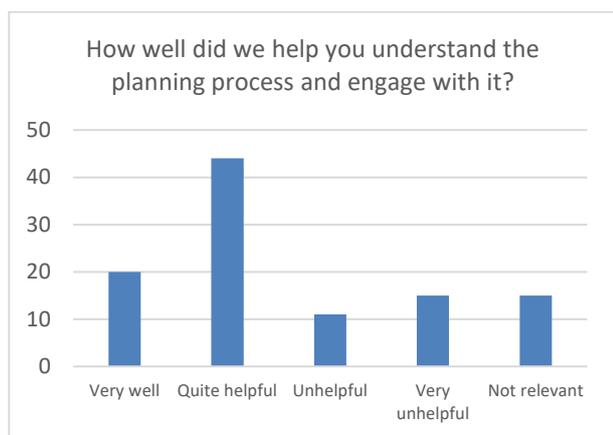
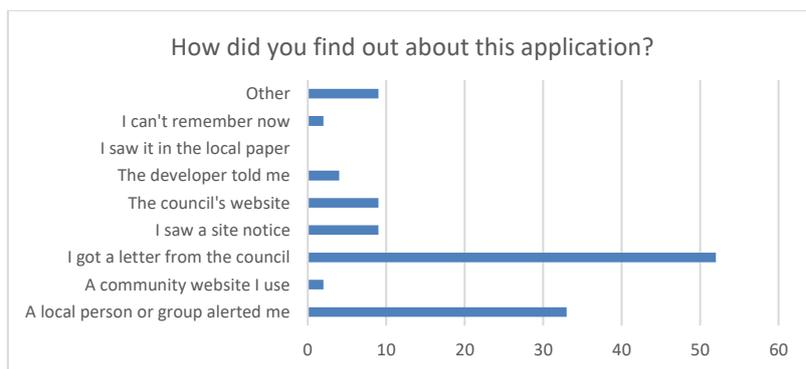
This report will provide the overview of the responses received between August and December 2019 and follows on from the previous report to Planning Committee 6 months ago. It will also give the areas that have been highlighted in the responses as areas to improve the customers experience with the Planning department.

We have sent out 1911 questionnaires within this period and have received 183 responses (9.5% response rate).

Agent and Applicant responses



Responses of Members of public who wrote in for applications



Positive Feedback Received

From the comments that were submitted as part of the responses the following points have been noted as positives for the Planning Department, Planning Committee and the Council.

- Kept informed of changes
- Professional, but friendly
- Fair, reasonable, supportive and helpful (even though clearly under pressure)
- Proactive, informative, efficient and interested
- Easy to contact/accessible

- Planning department that protects its communities and is in touch with local residents needs
- Well structured
- Committee meeting, Officer presentation, debate and reasons for decision are clear
- Officers able to handle difficult questions
- Online system was useful to see other comments and submit comments
- Website is clear and easy to use
- Email notification from online system when the application updated is brilliant
- Targets/expectations were met
- Timely decision
- Only have praise for the planners
- Neighbours comments considered before decision issued
- Able to understand all communication from the Council
- Look forward to working with ECDC again in the future

Adverse Feedback Received

As with all surveys there were also points raised that need to be reviewed and changes implemented. These issues have been reviewed and summarised into 5 main points below.

- Time
 - Officer response times
 - S106 negotiations
 - Lack of resource affecting time taken to reach decision
- Decisions/Conditions
 - Onerous
 - Refusal reason badly worded
 - Concerns raised weren't responded to or addressed in the officer report
 - No consistency
 - Officer didn't spend enough time getting to know the site
 - Members reason for refusal not based on planning merits but political
 - Irrelevant reason for refusal
 - No explanation for decision made
- Online system
 - Needs to be more user friendly
 - Labelling of documents not clear
 - Amended information not clear
 - Slow and unresponsive (or not working)
 - Difficult to read, understand measurements and sizes on plans
- Information, Communication & Processes

- No updates to applicant/agent
 - Consultations missed
 - Amendments not clear
 - Discrepancies on the drawings submitted
 - Not being fully aware of the application site
 - Unnecessary use of jargon
 - Unsure what acceptable grounds for objection
 - Appropriate information not received for surface water run off
 - Not made aware of next steps/committee process
- **General**
 - Planning system bogged down in bureaucracy
 - Inexperienced Planning staff
 - Committee meeting was 'almost hostile', unprofessional and uncourteous between Members
 - No support from Local members who didn't want to prejudice their position on Planning Committee
 - Enforcement should begin with an advice system before 'wading in'
 - Site notice posted too far away from application site
 - Confidence in Officer impartiality
 - Council needs to be 'joined up'
 - No checks carried out while development taking place

Proposed Actions

The following actions have been highlighted to improve the issues raised. These are repeated in the Action plan in Appendix 1 to show the progress which has been made to date.

- **Review of procedures**
 - To ensure standardised labelling is used when publishing documents on Public Access
 - To ensure correct neighbours are selected including those from previous applications on the same site
- **Review Templates**
 - Amend notification letter to include the revised/additional plans/information
 - Initial neighbour letter to include QR code to take neighbour to specific record on public access, where to find information regarding what can be taken into consideration and check clear explanation that individual letters will not be responded to but issues raised will be addressed in the Officer report

- Contributor (member of the public) acknowledgement wording to ensure recipient is clear on next steps and if email address provided then acknowledgement is sent via email
- Committee Notification letter to include more details about the Committee process and where to find further information
- Amend Decision outcome letter to inform where they can find further explanation on how the decision was reached
- Staff behaviours & time
 - To develop a way to maintain contact with key people during the application process
 - Continue with weekly meetings where Planning Officers take applications to discuss with other Officers the main points of the proposal and seek their opinions to improve consistency
 - Continue with training for Officers and Member Seminars

In relation to the points listed under Time, the department are working hard on improving the time delays within the process. Unfortunately with workloads and other aspects outside of the Officers control there will always be times where we don't meet the deadlines that have been set nationally or locally, but Officers have been advised that they need to keep relevant parties up to date in relation to delays.

Another report will be tabled in 6 months which will give updates on the actions above and summary of the feedback received from January to end of June 2020.

Arguments and Conclusions

Monitoring performance enables the planning department to highlight key responses to the surveys and provides an opportunity to praise members of the team for their work and to improve the service of the department.

Financial Implications

There are no financial implications other than officer time attributed to this report and assessing the information received in response to these surveys.

Appendices

Appendix 1 – Action Plan

Contact Officer

Lucy Flintham

Office Team Leader

01353 616226

Email – lucy.flintham@eastcambs.gov.uk

APPENDIX 1

| Action | Progress | Target completion | Date completed |
|---|--|--------------------------|-----------------------|
| Weekly meeting between Officers to discuss current Planning applications and to seek opinions | Plans & preapp organised for Friday mornings | | Sept 2018 |
| Planning Accountabilities – Discharge of Condition timescale target | Planning Officer accountabilities updated with DIS target | | 29/03/2019 |
| Pre-commencement condition procedure | 06c Procedure reviewed and amended to include completing the folder label with agreement date | | 13/08/2019 |
| Working folder label to include pre-commencement agreement | Template amended to include date agreement sent to applicant agent and date agreement returned | | 19/06/2019 |
| S106 instruction memo template | Work carried out with Legal and template updated in Uniform | | 15/02/2019 |
| Reduce amount of paper used by the Department | Only print one copy of supporting reports for Parish, Planning Officers review these documents electronically | | 18/02/2019 |
| | Email contributor (member of the public) acknowledgement letters (see below) | 28/02/2020 | |
| | Email notification of committee and Decision outcome to contributors – following successful coding on template above | 31/03/2020 | |
| | Parish consultation – email requests | 30/09/2020 | |
| Develop ways to maintain effective communication with key people during the application process | Sticker system implemented to draw attention to contact Local Member with any changes/discussions | | Sep 2018 |
| | Explore ways to introduce key milestones to contact Applicant/Agent | 30/04/2020 | |
| S106 template document | Work with Legal to create S106 template to speed up process of issuing the Legal Agreement | 30/08/2020 | |
| Notification letter for an invalid application | Template under review & standard paragraphs | 31/03/2020 | |
| | Amend wording | 31/03/2020 | |

**AGENDA ITEM NO 9
[U162]**

| | | | |
|--|---|------------|--|
| Initial neighbour consultation letter to include QR code, clarification regarding what can be taken into consideration and the process | Template wording under review | 31/03/2020 | |
| | Amend wording and add QR coding | 30/04/2020 | |
| Contributor acknowledgement template | Coding tested in Uniform Test to email if email address supplied | 28/02/2020 | |
| | Review wording to ensure clear about next steps | 31/03/2020 | |
| | Amend wording and import email coding to Live system | 31/03/2020 | |
| Review Public Access to ensure clarity and openness | Review and update standardised labelling used for documents in document management system to ensure clarity for members of the Public using online system | 28/02/2020 | |
| | Review information shown on Public Access (ie – key dates, etc) | 31/03/2020 | |
| | Review procedures to ensure that relevant fields are completed in uniform by the appropriate person | 30/04/2020 | |
| Ensure correct people are consulted on applications | Ensure all constraint polygons are updated in Uniform to ensure correct consultees are consulted and policies considered | 31/03/2020 | |
| | Review registration procedures to ensure clarity in which address point to use when registering planning applications – this will affect which neighbours are consulted | 30/04/2020 | |
| | Review Consultation manual for when standard consultees are required | 28/02/2020 | |
| Contributor notification of Committee and Decision | Review wording of templates to include next steps and where further information can be found | 31/03/2020 | |
| | Amend wording of template and import email coding | 31/03/2020 | |
| Amendments are clear to customers | Review and update procedures to list new or amended information in the system | 30/04/2020 | |
| | Amend notification letters and file notes to include these documents listed | 30/04/2020 | |

AGENDA ITEM NO 9
[U162]

| | | | |
|---|---|------------|--|
| Review training needs for Staff and Members | Review of skills database and highlight areas where further training needed | 29/05/2020 | |
| | Research and programme training plans for officers and relevant Member Seminars | 29/05/2020 | |



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday, 5th February 2020 at 2:00pm.

P R E S E N T

Cllr Bill Hunt (Chairman)
Cllr Christine Ambrose Smith
Cllr David Ambrose Smith (substitute for Cllr Lavinia Edwards)
Cllr Sue Austen
Cllr David Brown
Cllr Matt Downey
Cllr Alec Jones
Cllr Josh Schumann
Cllr Lisa Stubbs (Vice Chair)
Cllr John Trapp
Cllr Gareth Wilson

OFFICERS

Rebecca Saunt – Planning Manager
Angela Briggs – Planning Team Leader
Maggie Camp – Legal Services Manager
Gemma Driver – Planning Officer
Barbara Greengrass – Planning Team Leader
Janis Murfet – Democratic Services Officer
Dan Smith – Planning Consultant
Angela Tyrrell – Senior Legal Assistant
Russell Wignall – Legal Assistant

IN ATTENDANCE

18 members of the public

85. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Councillor Lavinia Edwards.

It was noted that Councillor David Ambrose Smith would substitute for Councillor Edwards for the duration of the meeting.

86. DECLARATIONS OF INTEREST

No declarations of interest were made.

87. MINUTES

It was resolved:

That the Minutes of the meeting held on 8th January 2020 be confirmed as a correct record and signed by the Chairman.

88. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- Members of the public were welcome to use electronic devices to record or film the meeting providing they did not cause any disruption. Members of the Committee might be using electronic devices in place of paper copies of the agenda, but they would be expected to give full attention to the proceedings;
- There was no access to the corridor adjacent to the Council Chamber while building works were being undertaken. If anyone needed to use the toilets, a member of staff would direct them to the nearest available ones;
- Agenda Item No. 9 (Planning Customer Satisfaction Survey – 6 month feedback) was to the credit of Officers and showed how highly regarded they were;
- Gemma Driver was congratulated on her promotion to Planning Officer;
- Members were reminded to use the opportunity to ask questions of speakers while they were seated at the public speaking table.

89. 19/00331/OUM – LAND OFF SCOTLAND END, CHIPPENHAM

Dan Smith, Planning Consultant, presented a report (reference U158, previously circulated) which sought outline planning permission for residential development of the site for up to 10 dwellings. The application also detailed access arrangements at this stage which was to access the site via the existing cul de sacs on Scotland End. The other detailed matters of the appearance, layout and scale of the dwellings and the landscaping of the site were reserved for future consideration. The layout of the housing shown on the drawing No. 01B should therefore be considered indicative only.

The application had been amended to show amended access into and within the site and supplementary drainage information had also been provided.

The Update Document stated that in addition to securing affordable housing and waste bin provision, the S106 will secure a financial contribution

to the Council to cover the ongoing maintenance of a SuDs drainage scheme in the event that its maintenance is ultimately vested with the District Council.

The site was located adjacent to but outside of the development envelope of Chippenham, and outside of but close to the Conservation Area. Two buildings on the High Street (Tharp Arms and 47 High Street) and three on New Road (nos. 7, 41 and 45) were Grade II listed.

The site was in an area of just over 0.5 hectares of improved grass land, which was currently in use as paddock land. It was located south east of and immediately adjacent to the residential development of Scotland End. To the south west there were buildings on the High Street and a public footpath (No. 49/4) ran to the north east. The site was approximately a third of the wider paddock and it extended to the rear of dwellings on New Street to the south east.

It was noted that Councillor Julia Huffer had called the application in to Planning Committee on the grounds that there was considerable local concern regarding the proposed development.

A number of illustrations were displayed at the meeting, including a site location map, an aerial photograph, an indicative layout of the proposal, and photographs of the junction at the High Street with Scotland End.

The main considerations in the determination of this application were:

- Principle of development and 5 year supply;
- Visual impact;
- Residential amenity;
- Highway safety;
- Ecology and trees; and
- Drainage.

With regard to the principle of development, the scheme would not normally be considered acceptable in this location as the application site was outside the defined development envelope of Chippenham in the countryside. However, the Council could not currently demonstrate a 5 year supply of available housing land and in such a situation, the National Planning Policy Framework (NPPF) required that, notwithstanding Local Plan policy restrictions, applications for housing be approved unless the application of specific policies within the NPPF provided a clear reason for refusing the application or the adverse impacts of approving the application would significantly and demonstrably outweigh the benefits derived from the development.

The Planning Consultant stated that while the paddock was private land which was not publically accessible, it made a contribution to the character of the area and was visible in some public views, primarily from the

public footpath and less prominently in glimpsed views between some buildings on the High Street and New Street.

The loss of this part of the paddock would result in some harm to the visual amenity of the area as the paddock contributed to the character of the area on the edge of Chippenham, despite the site being surrounded by residential development on all sides.

It was not considered that the proposed development would impact on any wider landscape views and in public views would read as an extension to Scotland End. The development was therefore considered to result in some limited harm to the visual amenity of the area which was contrary to the local plan policies which addressed design and character.

Members had been provided with a letter on behalf of the owners of the remainder of the paddock stating that there was no commitment to retaining the remainder of the paddock as open. This was in response to the Officer's statement within paragraph 7.6.3 of his report that the limited harm caused was mitigated by the retention of the majority of the paddock as open land. The Planning Consultant said his statement was intended to reflect the existing and permitted situation that it would be open, rather than to provide any guarantee that it would remain so indefinitely. Any application for the development of that land would be assessed on its merits.

Layout, scale and design of the development was reserved. However it was considered that the indicative block plan demonstrated that up to 10 dwellings could be accommodated on site and it would be possible to provide adequate separation distance between the new and the existing dwellings to ensure that the new development did not adversely impact on the residential amenity of existing residents.

Members noted that the site would be accessed via two points on Scotland End which were existing cul de sacs. The Local Highways Authority (LHA) was content that the accesses were adequate and capable of servicing up to 10 dwellings. The Parish Council and local people had expressed significant concerns regarding the junction with Scotland End and the High Street. However the LHA had confirmed on several occasions that it was safe, had adequate visibility splays for the speed and type of the road and could accommodate in excess of the additional development proposed in the current application. It had explicitly stated that it could not substantiate a refusal of this outline on the basis of access and highway safety.

The LHA had noted that a turning head would be required at the end of the northern spur into the site, but this was a matter which would be addressed at the reserved matters stage. On that basis the proposed development was considered to be acceptable in terms of its impact on highway safety.

The site was improved grassland which currently functioned as paddock with limited trees and shrubs around the boundary. Trees at access points would be removed but this was not considered to cause harm to amenity and they could be replaced by condition. The Wildlife Trust was

content that the application would not cause harm to protected species; a scheme of enhanced biodiversity would be conditioned.

The site was located in Flood Zone 1 and infiltration testing had been carried out to demonstrate the drainage potential. No groundwater was encountered during testing and the Local Lead Flood Authority was content that the scheme could provide adequate drainage based on the final layout. However, shared swales would not be appropriate unless located in public areas.

In connection with other matters, it was noted that the applicant had agreed to provide 30% affordable housing, which was in line with the most up to date guidance. Land contamination and energy efficiency would be secured by condition and the layout for parking was not detailed at this stage, but it was considered that two spaces per dwelling could be accommodated. It was considered that the development would have a neutral impact on the Conservation Area and listed buildings.

The Planning Consultant concluded his presentation by saying that the adverse impact of harm caused to the visual amenity of the area would not significantly and demonstrably outweigh the benefits of the scheme. In the absence of a 5 year supply of land for housing, the scheme should be approved on the tilted balance.

At the invitation of the Chairman, Mrs Helen Palmer addressed the Committee and made the following points:

- Paragraph 2.1 of the Officer's report said outline permission was sought for up to 10 dwellings;
- Paragraph 7.2.1 stated that the development would not normally be considered acceptable in principle in this location;
- Policy GROWTH 2 said that only affordable housing should be allowed outside of defined development envelopes where those schemes had no significant adverse impact on the character of the countryside or other Local Plan Policies;
- The application did not accord with Policy HOU 3;
- Chippenham did not have a good range of facilities or services;
- Between 2013 and 2031, 3 dwellings were required in Chippenham and yet 8 had been built since 2014;
- This application was not infill, it was classed as a major development;
- The proposal was considered to conflict with Policies ENV1, ENV2 and GROWTH2;
- She believed the affordable housing had been added to the application at a late stage to push it through.

Councillor Brown was aware of the pub in the village but asked if it had a shop or post office; Mrs Palmer replied that it did not.

Councillor Schumann noted that Mrs Palmer's comments were linked to the Local Plan and he reminded her that in the absence of a 5 year supply of housing land, the housing policies in the Plan could not be given weight. Members were not happy about this position, but it was national policy. The Council had been challenged before on this and lost and therefore any decision taken was in that context.

Councillor C Ambrose Smith asked whether Mrs Palmer would prefer, or not, to have social housing on the site. Mrs Palmer replied that it was not about the affordable housing; it had not been mentioned until the end of the Officer's report, as thought it had been 'shoe-horned' in and residents were unhappy about this.

At the invitation of the Chairman, Mr Keith Lomas addressed the Committee and made the following comments:

- He was Chairman of In Spe Spero. The Company comprised the four families who owned the remaining $\frac{2}{3}$ of the paddock;
- He had only seen the planning report when it was made public and he had copied the applicant and the Parish Council in to the letter that had been referred to earlier;
- He wished to clarify that he had never said the remaining paddock would not be developed.

The Chairman reiterated that the Committee would only consider the facts before them today and would not surmise on what might happen in the years to come.

Councillor Jones asked if it was intended to develop the remainder of the paddock and Mr Lomas said it would be given consideration.

At the invitation of the Chairman, Councillor Fiona Maxwell addressed the Committee on behalf of Chippenham Parish Council and made the following points:

- The Parish Council objected to this application;
- The LHA was not always right and the junction at Scotland End to the High Street was very busy;
- If this application was approved, it would increase the traffic at peak times;
- Permission had previously been refused by the Planning Inspector for two houses, so it would be counterintuitive to grant permission for ten;
- There were large developments in neighbouring villages, with resulting congestion;

- There was a high volume of HGV and LGV traffic;
- Vehicles did not observe the speed limit, with some having been recorded coming through the village at 70 mph. At peak times there were some 750 vehicles per day breaking the speed limit;
- The development would result in the loss of green space, the heart and lungs and an important part of the character of the village. Chippenham wanted to retain its open space and character and the proposed buildings would change its rural quality of life;
- The development would have a significant impact on the village but a very small effect on the District's housing supply.

Councillor Brown asked how many houses there were in Chippenham; Councillor Maxwell confirmed about 250 houses.

Councillor C Ambrose Smith noted Councillor Maxwell's reference to the lack of amenities and felt there was an implication that the village was absolutely remote; she said that in this day and age groceries could be delivered.

Councillor Jones wished to know when the traffic data was collected but Councillor Maxwell said she would have to find out.

Councillor Trapp asked if any measures had been taken to reduce the 'rat run' and whether the Parish Council had thought about preventative measures. Councillor Maxwell said that the LHA would not acknowledge that there was a problem and the Parish Council had found traffic calming to be unaffordable. The Chairman suggested that the LHA Improvement Grant could be considered, but Councillor Maxwell said that the Parish Council was aware of it.

It was noted that Councillor Julia Huffer, a Ward Member for Fordham & Isleham, was unable to attend the meeting, but had sent comments. With the permission of the Chairman, the Democratic Services Officer read out the following prepared statement:

'Good afternoon Chair and members of the Committee. Once again I find myself coming to the defence of a small village in my Ward with virtually no infrastructure to support yet more development with no shop or school, only a Public House to serve the community.

This development, as you will have seen for yourself, would occupy the green lung of this village, putting houses here will destroy the green space at the heart of the community forever.

Access would be through Scotland End, a quiet residential close that would have to suffer all the construction traffic and the subsequent additional residential traffic of potentially 40 – 60 car movements a day ruining the quiet enjoyment of the current residents' properties. Exiting Scotland End can be challenging at any time with traffic entering the village from Fordham and Isleham often well in excess of the 30 mph that it should be doing, as the

traffic camera located on the High Street has demonstrated. I believe one vehicle was recorded travelling in excess of 80 mph. This is the exception I understand, but it is a fact the cars and lorries use this village as a short cut through to Newmarket and the A11.

Please hear the voices of the local community who understand that this development is simply in the wrong place and its approval would harm the fabric of this quiet community.'

In response to questions from the Chairman, the Planning Consultant confirmed that there would be a S106 Agreement in respect of the 30% affordable housing even if the scheme came in at 9 dwellings; a high quality comprehensive scheme to replace the removed trees would be expected.

Councillor Trapp commented that the location might be the green lung of the village, but there was green land all around the site. The Planning Consultant said it was all open agricultural land and he had reached his conclusion based on the level of harm.

Speaking of the LHA's comments, Councillor Schumann said that while there were no recorded accidents at the location, it did not mean there had not been any because they were dealt with as civil matters. The data from the speed camera proved that the junction was incredibly dangerous. Highways got things wrong and he had no faith in their ability to assess the risk. There was evidence that it was a 'rat run' and he thought this was not the right place for the development because people would be taking their lives in their hands each time they came out of the junction. As a local Member, he was not overplaying the danger and he believed the application should be refused on highway safety grounds.

Councillor Trapp asked where the 30mph sign started. Councillor Maxwell advised that it was close to the village between the B1104 and the B1085. This was also indicated by the Planning Consultant on the location plan.

Councillor Brown agreed with Councillor Schumann, adding that he did not like the set up and access through the estate. He too considered it was about highway safety and the number of cars coming out of the estate.

Councillor Wilson reminded Members that they had to rely on the LHA, and if they said there was no problem, then the Council could not object on highways grounds and an Inspector was likely to agree. Unless they had some extremely important information, they had to accept the LHA's comments, and besides which, people broke the speed limit everywhere. He was therefore minded to accept the Officer's recommendation.

Councillor Downey concurred generally with Councillor Wilson's comments, saying that if a problem existed, it needed to be sorted. He thought Members should go back to the core of the argument, namely 10 more houses with 3 more affordable dwellings that would help the community. The paddock was surrounded by residential properties and he would support the recommendation for approval.

Councillor Stubbs said she had listened to the Parish Council and she had also quizzed the Case Officer regarding the highways report. She was reassured that the LHA had done a very thorough job.

Councillor Jones noted that there was a general consensus that traffic posed a problem and the Planning Manager reminded him that the developer could not be held responsible for the existing problem. The Planning Consultant interjected to say that the County Council had been provided with the data from the speed survey and had examined it. They looked at the 85th percentile speeds and had concluded that the visibility at the junction was sufficient and the application should not be refused.

Councillor Austen wished to know if the County Council Officers had come out to look at the junction or just reviewed the survey data. The Planning Consultant replied that he did not want to mislead anyone, but he thought they may have gone out although he could not guarantee that.

Councillor Jones commented that it was a natural infill point that would not affect visual amenity and the housing provision outweighed any harm.

It was duly proposed by Councillor Schumann that the Officer's recommendation for approval be rejected and that the application be refused for highway safety grounds on the information provided.

The motion was seconded by Councillor Austen, and when put to the vote, it was declared lost, there being 3 votes for and 8 votes against.

It was proposed by the Chairman and seconded by Councillor Wilson that the Officer's recommendation for approval be supported.

When put to the vote, the motion was declared carried, there being 8 votes for, 2 votes against and 1 abstention. Whereupon,

It was resolved:

That planning application reference 19/00331/OUM be APPROVED subject to the signing of the S106 Agreement and recommended conditions as set out in the Officer's report with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission.

90. 19/01054/RMM – LAND REAR OF 98 TO 118 MILDENHALL ROAD, FORDHAM

Barbara Greengrass, Planning Team Leader, presented a report (reference U159, previously circulated) which was a reserved matters application following the grant of outline planning permission on appeal, for the erection of up to 100 dwellings, with public open space, landscaping and SuDs with access determined. This application considered the remaining reserved matters of appearance, landscaping, layout and scale, and proposed 100 houses with public open space, landscaped buffer and attenuation basin.

The site was located outside the development boundary of Fordham on the southern edge of the village, bounded by residential development to the east and north and by two business premises to the north and west. The site itself was open agricultural land and was bounded along its southern boundary by a length of fragmented hedgerow. It was visible from Mildenhall Road where a large gap in the frontage development would form the new site access.

It was noted that in accordance with the Constitution, the application was brought to Committee at the request of the Chairman, as the outline application was determined by Planning Committee.

A number of illustrations were displayed at the meeting, including a map, aerial view, the layout of the proposal, elevations and a table regarding the housing mix.

The main considerations in the determination of this application were:

- Visual impact and layout;
- Housing mix and density;
- Public open space;
- Access and parking;
- Noise and residential amenity; and
- Foul and surface water drainage.

The visual impact of developing the site was accepted in principle at the outline stage. In allowing the appeal, the Inspector accepted that the proposal to develop the site for up to 100 houses would result in no more than a slight adverse impact on the users of the Public Right of Way to the south when the proposed landscaping matured.

The landscaped buffer would be retained and noise attenuation measures put in place to alleviate the noise emanating from the adjoining engineering and haulage businesses. A landscaped strip would also be provided along the western boundary to provide a soft edge and screening to the 3 metre high acoustic fencing and the site entrance would provide a soft landscaped entrance feature.

The overall scale, massing, height, site coverage and detailing of the built form proposed had been carefully considered so as to respond positively to the constraints of the site, whilst minimising the impacts on existing amenities of the neighbouring properties and complying with the Design Guide SPD.

Members were reminded that the density of the proposed scheme had been accepted within the outline application in approving up to 100 houses. The Planning Team Leader drew the Committee's attention to the table which set out details of the housing mix, saying that the affordable units would be

sited as groups to the west, north and east of the site. The mix of market dwellings was considered acceptable and was in accord with Policies HOU1, HOU 2 of the Local Plan and Policy 2 of the Neighbourhood Plan, as it respected the local area.

With regard to Policy HOU 2, the requirement to provide for self-build plots on developments of 100 dwellings or more was not secured within the Unilateral Agreement accompanying the appellant's case and therefore this could not be secured as part of this reserved matters application.

It was noted that there would be 1.5 hectares (3.7 acres) of public open space on the site, excluding the focal entrance point and the wet basin area. These areas would be landscaped using native shrubs, hedgerows and wildflower mix and the long term maintenance would be secured by the S106 Agreement. The landscaped buffer along the southern boundary would have dense foliage to provide a robust buffer strip. Discussions had taken place about the long term management of the areas, and in accordance with the S106, they would be offered to the Council for adoption.

It was considered that the planting scheme would deliver an enhancement in biodiversity value and be of benefit for a range of faunal species. New habitat creation was proposed within the public open space, attenuation basin and site boundaries and there would be improvements to ecological connectivity.

The access to the site had already been agreed within the outline planning permission. The County Highways Authority was satisfied with the internal layout and that the roads would be built to an adoptable standard; all properties met the wheeled bin drag distances to roadside collection points.

The car parking arrangements included 25 visitor spaces in appropriate places across the site. 25 plots would rely on tandem parking, although some properties would have more than two spaces allocated, including garage space. Highways was satisfied that the layout demonstrated a safe and accessible environment and the proposal also provided for a network of routes for pedestrians and cyclists.

Turning next to residential amenity, the Planning Team Leader said that some level of overlooking could not be completely avoided and the rear garden depths of the new dwellings would be at least 10 metres to the rear boundary. The garden sizes and distances between houses accorded with the Design Guide SPD.

A Noise Assessment and mitigation scheme had been submitted and the Environmental Health Officer had advised that acceptable internal and external noise levels could be achieved with the proposed layout and allowing for windows to be open. The applicant, through the clever use of layout and internal arrangements, had successfully demonstrated that noise sensitive rooms were safeguarded.

Foul water drainage would be to the public sewer with the provision of a pumping station on site, adjoining the attenuation basin to the south east corner of the site. From there flows would be pumped north to the existing

sewer. Anglian Water had advised that the impact on the foul sewage network was acceptable.

Where ground conditions allowed, the sustainable system would manage flows of surface water through infiltration; it included areas of permeable paving, an infiltration trench and infiltration basin. Surface water from roads would be collected by a piped network under the roads and adopted by Anglian Water. The scheme accorded with Policy ENV8 and the Flood & Water SPD.

The Planning Team Leader concluded her presentation by saying it was considered that the benefits of the proposal outweighed any adverse impacts and the application was therefore recommended for approval.

At this point the Chairman reminded Members that the outline application had been dealt with by Committee. He had called in this one because it was a significant application and he believed it would benefit from being considered by the Planning Committee.

At the invitation of the Chairman, Mr Jonathan Dixon, agent, addressed the Committee and made the following points:

- This application was for the approval of reserved matters, the principle of development on the site already having been approved;
- He appreciated that the Committee had refused the outline application and permission was granted at appeal, but he wished to emphasise that neither he nor Bellway were involved in that process;
- Matters to do with traffic and off-site impacts were addressed during the previous application and appeal;
- Bellway Homes had worked tirelessly with all stakeholders to ensure it would be a high quality development that met or exceeded the requirements of planning policy and the planning permission;
- Bellway were new to the area and were fully focused on building positive relationships and quality homes for the local community;
- They had met with the Parish Council and local residents and had engaged with statutory consultees. This effort was reflected in the lack of unresolved objections to the proposal;
- The Parish Council did not object to the design of the proposal but it had commented on two points – access to the site, and drainage. The County Council were not agreeable to Bellway's efforts to try and 'improve' the access and the access had been approved at outline stage. In respect of drainage, they had bent over backwards to accommodate all of the LLFA's comments;
- No comments were submitted by the Ward Members and only two responses were received from neighbouring properties;

- The housing mix had been amended following comments from ECDC's Housing Officer, who now supported the proposal;
- Extra car parking spaces had been added to improve on the minimum requirements;
- Bellway had worked tirelessly to ensure that this would be a high quality development and looked forward to being able to deliver these much need homes.

Councillor Jones asked if there were plans to include crossings to the scheme and the Planning Manager reminded him that the S106 Agreement had been signed at the outline stage, so it could not be done.

Councillor David Ambrose Smith enquired whether the Authority had a minimum square meterage per property; the Planning Manager replied that nothing was set in policy or SPD's.

The Chairman queried the maintenance costs and was advised by the Planning Manager that these had all been secured as part of the outline and the S106 Agreement.

Councillor Trapp queried where the electric vehicle charging points were going and the Case Officer advised that Condition 6 required a scheme/details to be submitted.

Councillor Schumann felt that full credit should be given to Bellway for finding a way to develop the site. He did not like the acoustic fencing, but it was policy compliant and there was no reason to refuse the application.

Councillor Brown did not think there was enough parking but he was reminded that the proposed provision was compliant.

It was proposed by Councillor Schumann and seconded by Councillor Brown that the Officer's recommendation for approval be supported, and when put to the vote,

It was resolved unanimously:

That planning application 19/01054/RMM be APPROVED subject to the recommended conditions as set out in the Officer's report.

91. 19/01690/FUL – 4 PRIORY GARDENS, ISLEHAM, CB7 5ZB

Gemma Driver, Planning Officer, presented a report (reference U160, previously circulated) which sought consent to insert three roof lights to the front elevation of the roof slope of No. 4 Priory gardens.

One roof light, serving the bathroom, had already been installed, therefore the application was part retrospective. The application was required because permitted development rights were removed under Condition 12 of application reference 99/00323/FUL.

The Update Document stated:

- Updated Proposal – Addition of roof lights (front elevation) to Attic level (**part retrospective**);
- A site notice was also displayed near the site on 17th December 2019 in addition to the neighbour consultation letters that were sent.

The application site was a detached dwelling located in Isleham, within the development envelope and in a residential area. The dwelling was located down a private road accessed from West Street and the access to the site was within the Conservation Area, although the dwelling itself was not.

It was noted that the application had been called in to Planning Committee by Councillor Julia Huffer as it had attracted a lot of local concern.

A number of illustrations were displayed at the meeting, including a map, aerial view, elevations and photographs relating to residential and visual amenity.

The main considerations in the determination of the application were:

- Visual Amenity; and
- Residential Amenity.

Speaking of the planning history, the Planning Officer said a full application for the erection of 5 dwellings was approved under application 99/00323/FUL. Condition 12 of that permission removed permitted development rights to add any additional windows, doors or openings of any kind in any elevation at ground and upper floor levels without the consent from the Local Planning Authority. The condition was imposed in order to safeguard the reasonable residential amenities of adjoining properties and therefore, a planning application was required for the installation of the roof lights and were subject to this part-retrospective application.

With regard to residential amenity, it was noted that the occupiers of neighbouring dwellings had raised concerns regarding the proposed roof lights providing a line of sight into bedrooms. However, as they would be looking out onto the front elevation of neighbouring dwellings, it was considered that they would not be overlooking into private amenity space.

It was considered that views from the first floor windows already provided a clearer line of sight towards neighbouring dwellings than from the existing roof light that was included as part of the proposal. Due to the existing presence of windows on this elevation, together with the separation distances as detailed in the Officer's report, it was considered that the proposal would not result in an increased level of overlooking.

The agent had confirmed that the cill height would be located 1.5 metres above the floor level. This was not considered to be unreasonable and

would not enhance the views to neighbouring dwellings any more so than the existing windows at first floor level.

Whilst it was acknowledged that the proposal would create a slight change to the existing appearance of the dwelling within the street scene, it was considered that the proposed roof lights would not significantly alter the external appearance of the dwelling to warrant refusal of the application on this basis.

Concerns had been raised during the neighbour consultation regarding the visual impact of the proposal. The concerns included that the proposed roof lights would substantially detract from the visual appeal of Priory Gardens, and if granted permission, the proposal could set a precedence which would lead to an unsightly deformation of the existing elegance of the Gardens. Concerns had also been raised about the proposal detracting from the desirability of Priory Gardens and how it may affect the future sale prices of properties. Members were reminded that each planning application was assessed on its own merits; property value was not a material planning consideration and therefore could not be considered in the determination of this application.

The Planning Officer concluded her presentation by saying that on balance, the proposal was considered to be compliant with the relevant local and national policies. It was not considered to create significantly harmful impacts to the private amenity of neighbouring dwellings or the visual amenity and character and appearance of the area. The application was therefore recommended for approval.

At the invitation of the Chairman, Dr Chris Corbin and Mr Robert Wade each addressed the Committee and made the following comments:

Dr Corbin (reading from a prepared statement):

'I am Dr Chris Corbin and I live at No. 5 Priory Gardens, the property on the right-hand side of the close and adjacent to No. 4.

In 1999, the Planning Committee recognised the sensitivity of the appearance of the proposed development in Priory Gardens and laid down a number of conditions in granting their permission. I particularly applaud their foresight in requiring, among other things, that planning consent be obtained for any additional windows, doors or openings of any kind at ground and upper floor levels of the approved development, in order to safeguard the reasonable residential amenities of adjoining properties.

We relied on that reassurance when we decided to buy a house in Priory Gardens.

The approved design of the houses at Priory Gardens respected its location partly within and adjacent to the Conservation Area. Their appearance was to be sympathetic to the local architecture and the care taken extended, rather remarkably, to ensuring that no garage door was visible from the front of the houses.

We consider ourselves fortunate that Priory gardens remains an attractive place to live and feel that that same attention to detail continues to be important if this is to be preserved.

No. 4 Priory Gardens is prominent, since it faces the entrance to the close and is at a slightly higher elevation than the houses on the left-hand side. The left-hand side of the roof is particularly visible.

I feel that Velux roof lights on the front elevation of the roof of any house in Priory Gardens would detract from the uniform appearance of the original clay-tiled rooves. I also fear that if this was permitted for one house, it would be hard to deny it for another.

Furthermore, I am conscious of being overlooked from roof level by the bathroom window that has already been made in the roof of No. 4. This application includes a pair of roof lights that together represent quite a large window in the left hand side of the roof and further detriment to my privacy and that of the other residents, not only of Priory Gardens but also the area beyond.

I am most grateful to the Planning Committee for listening to my concerns.'

Mr Wade:

- He had lived at No. 1 Priory Gardens since August 2000 and had chosen it because it was a particularly unusual attractive modern development;
- It was spacious and well designed with roof lines and garage doors to the rear;
- The planning conditions had been applied as a safeguard;
- His particular objection was that No. 4 was the 'show face' of Priory Gardens and the size of the proposed windows would spoil its appearance, feel and character;
- The windows would provide a line of sight to the rooms on the east of his property;
- Granting permission would set a precedent;
- The Velux had been fitted ahead of the application and was not to drawing. It looked unbalanced and the windows were much larger;
- The application should be refused and the views of the Parish Council upheld.

Councillor Jones said he struggled to find a significant difference between the view out the existing first floor window in that elevation and asked

Mr Wade why he felt the extra elevation was an extra intrusion. The latter replied that it gave a better view and made it easier to see into his bedroom and he could see into theirs. He would have to be careful what he did and he did not want that. Dr Corbin added that there would be a sense of being looked down upon.

Councillor C Ambrose Smith asked if Mr Wade's mind would be settled if obscured glass was to be fitted. Mr Wade replied that the window would be opening and occupiers could still look out.

Dr Corbin said he had worked out the scale of the other drawings that had been submitted and had concluded that the cill height would be no higher than 1.2 metres from the floor; it was the outside appearance that was the more objectionable. When asked by Councillor Jones if he would be happy to maintain the existing window and reject the others, Dr Corbin said he was living in a slight climate of 'what's coming next.'

Councillor Downey asked the Planning Officer if she had anything to say to the residents that the proposal was damaging to visual amenity. She replied it would change the appearance but it was not considered significant enough to warrant refusal.

Councillor Stubbs noted that the permitted development rights had been removed and she wondered if the Committee would be so disapproving had they not. The Planning Manager stated that in that case, the work could have been done without coming to the Authority.

Councillor Wilson suggested that the windows could be obscure glazed and non-opening so as to provide additional light for the room. However, Angela Briggs, Planning Team Leader, said that she had discussed this with the Case Officer and they had concluded that obscured glazing was not necessary as the outlook would not be significantly more than from the first floor existing windows.

Councillor Jones asked if there had been any discussion regarding putting the windows on the same side as the dormer and the Chairman reiterated that Members could only consider what was in front of them today. Reading from Appendix 1 (Planning Inspector's Decision Notice), he said '*... no additional windows, doors or openings of any kind shall be formed in any elevation(s) at ground and upper floor levels of the approved development without the permission of the Local planning Authority.*'

Councillor Schumann said that when looking at the pictures of the development which had been circulated during the meeting, he could not see that the proposal would cause any more overlooking, and he duly proposed that the Officer's recommendation for approval be supported. The motion was seconded by Councillor D Ambrose Smith.

Councillor Trapp found the proposal to be intrusive and said he would oppose approval on the grounds of visual amenity and affecting the character of the area.

Councillor Downey disagreed, adding that coming in on the bus for the site visit, he could not tell which house Members were supposed to be looking at. Councillor C Ambrose Smith concurred and said she was shocked to see the application included on the agenda.

The Committee returned to the motion for approval, which when put to the vote was declared carried, there being 8 votes for and 3 votes against.

It was resolved:

That planning application 19/01690/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

92. PLANNING PERFORMANCE REPORT – DECEMBER 2019

The Planning Manager presented a report (reference U162, previously circulated) which summarised the planning performance figures for December 2019.

It was noted that the Department had received a total of 147 applications during December 2019, which was an 11% decrease on December 2018 (166) and a 20% decrease from November 2019 (184).

The Planning Manager said there had been 1 valid appeal received, and 3 appeals had been determined, all having been dismissed, with 1 appeal turned away by the Planning Inspectorate as it was received outside the time limit.

With regard to enforcement, Members noted that Taylor & Sons of Littleport had appealed against their Enforcement Notice, and the Authority would defend this at appeal.

It was resolved:

That the Planning Performance Report for December 2019 be noted.

93. PLANNING CUSTOMER SATISFACTION SURVEY – 6 MONTH FEEDBACK

The Planning Manager presented a report (U162, previously circulated) which provided an overview of the responses received to the Planning Customer Satisfaction Survey carried between August and December 2019.

1911 questionnaires were emailed within this period to agents, applicants and members of the public and 183 responses were received, equating to a 9.5% response rate.

The report set out the positive and negative feedback received and the Planning Manager said the adverse comments would be discussed at team meetings in order to find ways to improve the service.

Councillor Brown asked that training for Members be pushed a bit more and offered to all. He also raised the issue of correct people being consulted on applications; the Planning Manager said that Officers should be double checking and asked that Members let them know the application references so that this could be rectified.

Councillor Schumann left the Chamber at 4.15pm.

Councillor Stubbs wished to know how Members could officially feedback comments regarding their views on Highways. The Planning Manager replied that it was difficult, as she did not have management control over them. She had emailed Geoff Ellwood and pushed matters as far as she could; all she could suggest was that Members go to their County Council colleagues or contact the Highways team direct.

Councillor Trapp referred to the section regarding how people found out about applications, and said that in many cases it was via the community rather than site notices or letters. The Planning Manager advised that the department directly notified people, as well as posting site notices and adverts in the Cambridge News. However, it was not feasible to do a blanket consultation.

Councillor Wilson thought that training for Parish Councillors should be considered. He was informed that the Planning Manager and the Planning Team Leaders had put out that they were happy to attend Parish Council meetings, and indeed, still did so. Lewis Bage, Communities & Partnerships Manager was in the process of organising a Parish Forum and the Planning team would have a table at that event. The parishes were being encouraged to attend, or if they wished, they could arrange a special meeting for Officers to attend.

Councillor Trapp said that in his Ward, an article about the planning process had been included in the Parish magazine. Councillor Jones thought it might be of benefit to have a 'cheat sheet' and the Planning Manager responded that a list of all the policies in the Local Plan was sent out to the parishes. She would forward it to all Members so it could be attached to parish and Member's newsletters.

There being no further comments,

It was resolved:

That the 6 month feedback from the Planning Customer Satisfaction Survey be noted.

The meeting closed at 4.27pm.

Date of Publication of Decision List: 10th February 2020

FOR INFORMATION ONLY

NONE OF THESE DECISIONS ARE SUBJECT TO CALL-IN



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

PLANNING COMMITTEE – 5th February 2020
DECISION LIST

| ITEM NO. | REPORT REF. | APPLICATION | DECISION | ACTION BY |
|-----------------|--------------------|--|--|--|
| 5. | U158 | 19/00331/OUM Residential development of up to ten dwellings. Land Off Scotland End, Chippenham | It was resolved: That planning application reference 19/00331/OUM be APPROVED subject to the signing of the S106 Agreement and recommended conditions as set out in the Officer's report with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission. | Dan Smith Planning Consultant Rebecca Saunt Planning Manager Maggie Camp Legal Services Manager |
| 6. | U159 | 19/01054/RMM Reserved matters for appearance, landscaping, layout and scale of planning application 17/00481/OUM for 100 dwellings with associated open space, landscaping and drainage. Land Rear of 98 to 118 | It was resolved unanimously: That planning application 19/01054/RMM be APPROVED subject to the recommended conditions as set out in the Officer's report. | Barbara Greengrass, Planning Team Leader |

| ITEM NO. | REPORT REF. | APPLICATION | DECISION | ACTION BY |
|----------|-------------|---|--|-------------------------------------|
| | | Mildenhall Road, Fordham | | |
| 7. | U160 | 19/01690/FUL Addition of roof lights (front elevation) to Attic level (part retrospective). 4 Priory Gardens, Isleham, CB7 5ZB | It was resolved: That planning application 19/01690/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report. | Gemma Driver, Planning Assistant |
| 8. | U162 | Planning Performance Report – December 2019 | It was resolved: That the Planning Performance Report for December 2019 be noted. | |
| 9. | U162a | Planning Customer Satisfaction Survey – 6 month feedback. | It was resolved: That the 6 month feedback from the Planning Customer Satisfaction Survey be noted. | |