



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

AGENDA ITEM NO 3

Minutes of a meeting of the Planning Committee held at 1:00pm on Wednesday 1st September 2021 at The Hive Leisure Centre, Ely, CB6 2FE.

PRESENT

Cllr Christine Ambrose Smith
Cllr David Ambrose Smith (Substitute for Cllr Lavinia Edwards)
Cllr Sue Austen
Cllr David Brown
Cllr Matthew Downey
Cllr Julia Huffer (Substitute for Cllr Bill Hunt)
Cllr Lisa Stubbs (Vice-Chairman in the Chair)
Cllr John Trapp
Cllr Gareth Wilson

OFFICERS

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

IN ATTENDANCE

Ian Bayes (Objector, Agenda Item 6 / Minute 32)
Ruth Gunton (Applicant's Agent, Agenda Item 5 / Minute 31)
Parish Cllr Mark Hugo (Parish Councillor, Agenda Item 6 /
Minute 32)
Keith Hutchinson (Applicant's Agent, Agenda Item 6 / Minute 32)
Greg Saberton (Applicant's Agent, Agenda Item 7 / Minute 33)

5 Members of the Public.

27. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Cllrs Bill Hunt, Lavinia Edwards, Lis Every and Alec Jones.

Cllrs David Ambrose Smith and Julia Huffer were attending as substitutes for Cllrs Edwards and Hunt.

Due to Cllr Hunt's absence, Vice Chairman Cllr Lisa Stubbs Chaired the meeting.

28. DECLARATIONS OF INTEREST

Cllrs Stubbs, D Ambrose Smith and Wilson each stated that they remained open-minded and had no prior view on the applications that they had called-in to Committee (Agenda Items 5, 7 and 6 respectively).

29. MINUTES

The Committee received the Minutes of the meeting held on 7th July 2021.

It was resolved:

That the Minutes of the Planning Committee meeting held on 7th July 2021 be confirmed as a correct record and be signed by the Chairman.

30. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- Following the relaxation of COVID-19 restrictions by Central Government, it had been intended to re-commence organised site visits using a mini-bus from this meeting onwards. However, the significant cost-implication of bus hire meant that it was not cost-effective for fewer than five Councillors; having actively canvassed Members of the Committee it was decided to cancel the site visit bus on this occasion and re-consider for the next meeting. Whilst the COVID-19 situation remained uncertain, if Members preferred to visit the sites themselves rather than having organised site visits, then the position could be reviewed in due course. Members who had attended the site visits with Officers that morning were thanked.
- Officers had now returned to working in the office, although some had certain days agreed to work from home to allow them to focus on writing reports etc. Members wishing to visit the office to see a particular Officer were advised to contact them beforehand in order to check that they would be there. When working from home, Officers were still available by phone and email.
- The return of Planning Committee meetings to The Grange was currently under review.

31. 20/01269/FUL – SPRINGFIELD HOUSE, TWENTYPENCE ROAD, WILBURTON

Molly Hood, Planning Officer, presented a report (W58, previously circulated) recommending refusal of an application seeking consent for the demolition of an existing dwelling and outbuildings, and the construction of a replacement dwelling and garage further into the site.

Members were shown various images including block plans, historic site photographs, aerial photographs, and site layout plans (existing and proposed). Attention was drawn on the block plans to the line at the rear of the outbuildings, towards the front of the site, since this was important in considering the potential for the application to meet the exception policy HOU8 as listed under policy GROWTH2 for a replacement dwelling. The existing dwelling was positioned at the front right-hand-side of the site whereas the proposed dwelling was sited both further back from the road and further from the side boundary. A large tree at the corner of outbuilding E was considered to mark the position of the curtilage line for the existing dwelling, with agricultural land behind, and consequently the proposed new dwelling would be situated in the agricultural land. The whole site was overgrown and in a poor state, located within open countryside outside the development envelope, and within Flood Zone 3.

Elevations of the existing two-storey dwelling and outbuildings were shown together with elevations for the proposed two-storey dwelling with habitable rooms in the roof and a detached double garage with a room in the roof. The proposed dwelling, with a ridge height of 9.7m would be taller than the existing dwelling (ridge height 6.4m).

The main considerations for the application were deemed to be:

- **Principle of development** – Although policy GROWTH2 sought to locate development within development envelopes, exception policy HOU8 allowed replacement dwellings in the countryside subject to no adverse impact on the character of the countryside and compliance with other Local Plan policies. The proposal sought approval for demolition of an existing dwelling and construction of a new dwelling, and therefore had the potential to meet exception policy HOU8.
- **Residential amenity** – A residential property and commercial premises neighboured the site to the north, land to the south was overgrown with evidence of a former farm. The proposed dwelling would be situated further away from the northern boundary and with no first-floor side elevation windows. The separation distance, window placement, and orientation of the neighbour meant that no significant detrimental residential amenity impacts would occur in terms of overlooking, overbearing or overshadowing.
- **Replacement dwelling** – Extensive discussions had taken place regarding the residential curtilage of the existing dwelling. Although the agent asserted that the entire site formed the residential curtilage, the Case Officer believed the rear section to have historically been used for agricultural purposes and only the portion of land including and in front of the definitive tree line (to the rear of the outbuildings) to be residential curtilage. Consequently, it was considered that the proposed new dwelling, positioned ~30m from the footprint of the existing dwelling, would be outside the residential curtilage of the existing dwelling. It was also considered that the design of the proposed building was neither of exceptionally high quality nor sensitive to the surrounding countryside. The scale of the proposed building was also not considered to be sensitive to the countryside setting or such that it would enhance the character and appearance of the locality. The proposed development was therefore considered to fail to meet the requirements of policy HOU8.
- **Visual impact** – In comparison to the modest existing dwelling, the proposed design was considered to be excessive in height and bulk. Together with the detached garage it would represent a 229% increase in residential footprint. The design would not reflect the generally traditional and modest dwellings along Twentypence Road and the introduction of a large and imposing dwelling would create an urbanising and out of character development. Other nearby dwellings, including Australia Farm (~500m along the road), were more sensitive to the location, for example by being a 1.5-storey design and therefore having a lower ridge height.
- **Highway safety** – The proposal would reinstate a historic access point and there would be parking provision for two cars. Although the visibility from the access point onto the road was not ideal the Local Highways Authority had no objection as the proposal was for a replacement dwelling. The proposal was therefore considered to be compliant with policies COM7 and COM8 of the Local Plan.
- **Flood risk** – Although the site was located in Flood Zones 2 and 3 there was an existing dwelling on-site and therefore, subject to mitigation

measures being conditioned, the Environment Agency had no objection. The proposal would improve the current flood safety situation for future occupiers by raising the floor levels and using flood-resistant construction.

- **Ecology and trees** – The Preliminary Ecological Assessment had identified a day roost of a common pipistrelle bat and a brown long-eared bat within the roof of the existing building; the demolition would therefore require a Natural England Bat Licence. To mitigate for the loss of roosts in the outbuildings, various measures had been recommended including pole-mounted barn owl boxes, swift boxes, a tree-mounted standard bird box, integrated bat soffit boxes and an integrated bat wall box. The Wildlife Trust were satisfied with the proposed mitigation and the proposed development was therefore considered to comply with policy ENV7 and the Natural Environment SPD.

In summary, the proposed development was considered to be contrary to policy HOU8 due to its location outside the residential curtilage of the existing dwelling, its design failing to reflect the rural location, and its scale being excessive when considered as a replacement dwelling. The visual harm of the dominant and urbanising dwelling weighed against the proposal to the extent that it would significantly and demonstrably outweigh the benefits of a replacement dwelling, and was contrary to policies HOU8, ENV1 and ENV2. The application was therefore recommended for refusal.

On the invitation of the Chairman, Ruth Gunton, agent for the applicant, addressed the Committee. She highlighted that there had been no objections from any consultees or from members of the public and she stated that the points of contention appeared to be the design of the proposed building and its location within the plot, both of which could be considered to be subjective. The applicants had sought to improve upon the current situation and had therefore chosen to site the building further back from the fumes and noise of the road, which would also increase protection from the wind, and be sufficiently far back to not interfere with a mature tree favoured by bats. In addition to its position with respect to the road, the proposed siting of the building towards the centre rather than either side boundary was to improve the amenity. The location also allowed for enhanced flood resilience measures, including a ramp to aid access. The proposed position was in keeping with the area since other residential dwellings to the north of the site were set back from the road at a similar distance and a builders yard was situated to the rear of the adjoining existing dwellings, and it would be both illogical and unreasonable to position a new dwelling in the front corner of a large site. The streetscene along Twentypence Road was made up of small groups of dwellings with no single scale or material that could be considered a defining characteristic. The building had been designed to reflect elements from the local area and reference was made to nearby Australia Farm that was of a similar construction and also had two two-storey barn conversions in residential use, set back from the road but visible from it, which had been approved within the last 10 years. In summary, the proposal had taken elements of what was visible from the road in the immediate area, there had been no objections, the proposal would not cause harm, and there would be demonstrable material improvements in terms of amenity and flood resilience.

There were no questions from Members for the applicant's agent.

AGENDA ITEM NO 3

The Democratic Services Officer then read aloud the following statement from Ward Member Cllr Bill Hunt:

"I am now aware that this item will be Agenda Item 5 at Planning Committee on 1st September and I will not be attending. I hope that a site visit will take place; I have visited the site.

I thank the officer for a comprehensive report which sets out the situation well.

Some points which I have considered:

- *The existing(derelict) house is very close to the B1429 which is a very busy route to Cambridge.*
- *The current building has been in a "run-down" state for many many years.*
- *The whole site is a complete disgrace.*
- *Nobody has objected, including the Parish Council.*
- *The two properties either side protrude into farmland more than the existing curtilage.*
- *The proposed dwelling would in my view be an asset to the area.*

All considered, I believe that the Committee could consider this as an exception and allow the application"

The Case Officer had no further comments to make, whereupon the Chairman invited questions for the Officer from Members. In response to a question from Cllr Trapp, the Officer confirmed that the height of the proposed building included the raised floor levels required for flood protection. Cllr Downey asked how it had been determined that the proposed building would not be of exceptionally high quality in terms of materials and design. The Officer explained that there was no specific guidance, but the Council's policy required that where replacement buildings were of an alternative height to the original building then the replacement must be of an exceptionally high standard, the judgement of which was subjective, but the NPPF also sought high quality design and the applicant was expected to exhibit a higher quality of design, in accordance with policy. Cllrs Stubbs, Wilson and Huffer sought further detail regarding the Officer's decision about where the residential curtilage of the existing dwelling lay, in particular how the rear section of the plot had been defined as agricultural use and the front section as garden. Cllr Wilson suggested that the presence of outbuildings towards the front of the site could suggest agricultural use throughout. The Officer explained that aerial imaging since 2010 showed differences in how the land was used and maintained, and visits to the site had further indicated two different uses since there was long grass towards the rear and brambles towards the front. The outbuildings were grouped in a line across the site, with trees having established along a similar line over time, again indicating a separation of land uses. She also clarified that a grey line immediately behind the outbuildings on the location plans, which she was using to indicate the extent of the residential curtilage, had been present on the submitted plans rather than having been added by Officers.

Councillor Trapp asked about the large tree on site and if there was space for the house to fit within the existing curtilage as well as seeking confirmation of what would happen to the land to the rear. The Case Officer confirmed that there was space for a replacement dwelling within the curtilage and to the rear was agricultural land.

AGENDA ITEM NO 3

The Chairman then opened the debate. Cllr Brown thanked the Officer for her clear report and commented that the recommendation was clearly in line with Planning policy. Cllr Trapp agreed and expressed the opinion that, in addition to the curtilage issues, the proposed building was unattractive and too large for the site.

Cllr Huffer stated that she had no concerns regarding the curtilage and that she felt that the proposal would improve what was currently a very unattractive site. Cllr C Ambrose Smith agreed and added that she understood Officers' difficulties in working within policies but felt that the existing building was from a different era, when people lived differently, and the concept of whether a design suited an area was entirely subjective. Cllr Wilson added that the original building would have been constructed at a time of minimal traffic whereas the road was now busy with cars and lorries travelling at 60mph and it therefore made sense to site a new dwelling further back from the road, ideally behind trees. He also noted that the neighbouring properties were further back from the road and very prominent therefore an additional setback house would not adversely affect the small stretch of road. Finally, he commented that the additional height was in part due to the flood protection measures, and that in his view the curtilage all appeared to be agricultural due to the presence of the outbuildings.

Cllr Brown, seconded by Cllr Trapp, proposed the Officer's recommendation that the application should be refused.

Upon being put to the vote, the motion to refuse the application was declared to be lost with 3 votes in favour, 6 votes against, and 0 abstentions.

Cllr D Ambrose Smith questioned the location of the site outside the development envelope. The Planning Manager explained that there was an exception in policy GROWTH2 that allowed for replacement dwellings outside the defined development envelopes, it was for Members to decide whether the proposed building constituted a replacement for the existing building, in accordance with policy.

Cllr Huffer then proposed approving the application on the grounds that it would not be contrary to policy HOU8 in terms of curtilage and design. Cllr Wilson seconded the Motion and added, with the agreement of the proposer, that Officers should impose appropriate conditions including ensuring that the large tree and the bats and owls would be protected.

It was resolved, with 6 votes in favour, 3 votes against, and 0 abstentions:

That planning application ref 20/01269/FUL be APPROVED on the grounds that the proposed development would not be contrary to policy HOU8 in terms of the curtilage and the design.

It was further resolved:

That the Planning Manager be given delegated authority to impose suitable conditions, including the retention of the large tree and the protection of the on-site bats and owls.

32. **20/01295/FUL – LAND SOUTH EAST OF 4 MEADOWBROOK, ALDRETH**

Molly Hood, Planning Officer, presented a report (W59, previously circulated) recommending approval of an application seeking permission for the construction of a detached two-storey four-bedroom dwelling with integral garage on a site situated between 3 and 4 Meadowbrook.

Members were shown various maps, photographs, block plan and elevations to illustrate the proposed building design and the position of the application site within the development envelope. The Officer drew Members' attention to the detail of the public and consultee comments in the report, and stated that her presentation would summarise the main elements.

The main considerations for the application were deemed to be:

- **Principle of development** – The site lay within the development envelope and was therefore in accordance with policy GROWTH2.
- **Residential amenity** – Plans and photographs were shown to demonstrate the relationship between the proposed dwelling and its neighbours at 3 and 4 Meadowbrook. Concerns had been raised by the neighbours and by members of the public regarding overlooking, overshadowing, overbearing and loss of privacy; a visual amenity assessment had been submitted by the owners of no. 3 and had been taken into consideration. From undertaking the 45° test it was considered that the front elevation habitable room windows would not have direct views to the habitable room windows of no. 3, and ~20m would separate the lounge and bedroom windows from no. 4. The position of the dwelling within the site was considered to give adequate separation distances to the boundaries, and boundary treatments would be a recommended condition in order to further protect residential amenity. The location and scale of the proposed dwelling were not considered to cause significantly detrimental impacts to residential amenity.
- **Visual impact** – Comments had been received from the Parish Council and from members of the public concerned that the proposal would constitute cramped development, tightly wedged in the corner of Meadowbrook, and that it would negatively affect the density and the character of the streetscene. The proposal would maintain a large frontage for a driveway and parking, together with a large curtilage, and the design was considered to be appropriate for the site and respectful of the boundaries. Although the materials had not been specified, conditions were suggested in order to ensure that the colour, type and quality were appropriate for the site and area. The integral garage, as opposed to the detached garages of the other Meadowbrook properties, was not considered to warrant refusal.

In terms of the site's Planning history, applications for a single house with garage had been refused twice in 1997 with the second refusal also having been dismissed at appeal the following year. Reasons for refusal had included the effect of the proposal on the character and appearance of the surrounding area, the dwelling differing from its neighbours by not being able to enjoy the open aspect of the central green, the relationship between the orientation of the proposed dwelling and its immediate neighbours creating a cramped form of development, and overlooking to no. 4. The Officer considered the streetscene to have evolved since 1997/8 and provided photographs to illustrate that much of the central green area was now bordered by well-established hedge and had been adapted to form the curtilage of other properties, including the addition of raised beds and a

greenhouse. Similar to the proposed dwelling, 2 and 3 Meadowbrook had driveways rather than extensive green space, and no.3 had a restricted outlook towards the central green. It was considered that the design, orientation and layout of the proposal would contribute to a property with the potential to enjoy the central green space and mirror the features of the other properties.

- **Highway safety** – During the public consultation, concerns had been raised regarding the safety of the access point and the effect on the adjacent properties' accesses. However, the point of entry to the site and its relationship with the internal access road was considered sufficient to provide safe access. The Local Highways Authority had not objected and the proposed development was considered compliant with policies COM7 and COM8.
- **Ecology and trees** – Due to concerns about the information submitted in relation to Great Crested Newts, bats, and other wildlife, the owners of 3 Meadowbrook had supplied their own Ecological Support Document and also claimed that Great Crested Newts were present on their property. The applicant had supplied a Great Crested Newt assessment and a Preliminary Ecological Appraisal. Following consideration of both sets of information the Wildlife Trust had recommended imposing a condition for a mitigation plan consolidating all of the mitigation in both the applicant's submitted documents and the neighbour's document. In addition, external lighting would be restricted by condition in order to minimise disruption to bats.

In summary, the principle of development was acceptable, there were no significantly detrimental impacts to residential amenity, and no visual detriments to the character or appearance of the streetscene. The application was therefore recommended for approval.

On the invitation of the Chairman, Ian Bayes addressed the Committee as a neighbour to the site and an objector to the application. He stated that this would be the fourth attempt (including an appeal) to obtain permission for a house on this site and that two Chartered Town Planners and a Chartered Landscape Architect had all disagreed with the Officer's recommendation for approval. Section 8.1 of the Local Plan required slow growth of Aldreth *via* infill sites only, whereas the frontage of the site under consideration meant that it did not have the open views enjoyed by the other Meadowbrook properties – a key reason for previous refusals – and prevented frontage development, meaning that the proposed development constituted backland rather than infill. Regarding policies GROWTH2 and ENV2, he stated that the proposed development would have a significant effect on the character and appearance of Meadowbrook, was of a poor design and was not promoting sustainability. Regarding policies ENV7, SPD.NE5 and SPD.NE11, he believed that sufficient ecology and biodiversity surveys had not been undertaken. Although the Planning Officer had said that appropriate information was given, the Wildlife Trust had said that a Preliminary Ecological Appraisal was not suitable for determining a planning application. The Great Crested Newt breeding pond at 2 Meadowbrook had not been taken into consideration despite the Natural Environment SPD requiring an additional survey to be submitted for specific species. He reiterated that the development would be out of character for the area and could not achieve a frontage similar to neighbouring properties, that the residential amenity at 3 Meadowbrook would be severely impacted, and that he believed that further ecological surveys should have been undertaken prior to the decision rather than being required after approval *via* conditions. He drew

AGENDA ITEM NO 3

Members' attention to the two additional conditions that he had drafted regarding the boundary hedge and site deliveries (circulated to Members in advance of the meeting) and requested that they be included should the application be approved.

Cllr Trapp asked the objector to clarify the background information he had provided regarding the creation of the proposed building plot. Mr Bayes explained that the original design had been for six houses but during development the plots had been rearranged to leave this piece of land. Cllr Stubbs asked whether the boundary hedge mentioned in his proposed additional condition was the same hedge mentioned by the Case Officer regarding the open aspect of the street. Mr Bayes replied that the hedge was next to their drive, matured over 20 years, and therefore protected their residential amenity and privacy, it was not part of the open aspect.

The Chairman then invited Keith Hutchinson, agent for the applicant, to address the Committee. He thanked the Case Officer for her comprehensive report and said that the application was for a single dwelling to satisfactorily complete the cul-de-sac. He disagreed with the previous speaker that the development would constitute backland and he stated that it was supported by Section 11 of the NPPF. Paragraphs 7.7.1 - 7.7.10 of the Officer's report had provided a detailed assessment of the impact on residential amenity and had found it to be minimal due to the careful proposed design. Much emphasis had been placed by the objectors on the previous refusals and appeal, but the character of the area had changed in the intervening 23 years. In particular, the central green no longer existed since it now had hedges and an outbuilding on it. The Local Highways Authority had agreed that there was adequate parking and turning in place. Regarding ecology, a qualified ecologist had surveyed the site and assessments had been submitted regarding Great Crested Newts; the site offered low value for these species and the Wildlife Trust agreed with this assessment. A mitigation plan, secured by condition, would be appropriate if the species were found to be present, and the applicants had no objection to that. The proposal constituted a sustainable form of development and there should therefore be a presumption in favour of approval.

Cllr Huffer asked the agent to explain his wording that the application "...now completes..." the cul-de-sac, and questioned whether, despite being granted planning permission for six dwellings, the intention had always been to build seven. The agent replied that he did not know the historical intentions but, in his opinion, this would be a last opportunity to build on open land in that position. Cllr Trapp added that the original outline planning permission had been for five dwellings with large spacious plots, the sixth had been added in the application for full planning permission, and then applications for a seventh dwelling had followed at a later stage.

The Chairman then invited Parish Councillor Mark Hugo to address the Committee on behalf of Haddenham Parish Council. He stated that he spoke with the full authority of the Parish Council and that they believed the application to be a case of site over-development and backfill that would have a severe detrimental effect on the immediate neighbours. Applications had already been refused on this site and dismissed at appeal. The Local Plan relating to Aldreth only permitted infill, rather than backfill, and the proposal would be against the emerging Neighbourhood Plan which was almost ready for adoption. The contents and conclusion of the Officer's report, when compared with the views of the Parish Council and previous grounds for three Planning refusals, showed how many

issues were subjective, and threatened to undermine local trust in the Planning process. He highlighted his work as a District Councillor (2015-19) regarding the Local Plan as it affected Haddenham, and in particular the promise to parishioners that active engagement would enable the Parish Council to have effective input into where new houses would be built, and would prevent building in undesirable locations and speculative development. With the Council's backing, the Haddenham Community Land Trust had been established to work with a developer to deliver 54 new homes, and a new Neighbourhood Plan was almost complete to reinforce the Local Plan. He summarised the Parish Council's many objections to the proposal as: backfill and therefore contrary to the infill-only policy for Aldreth in the Local Plan, contrary to the emerging Haddenham Neighbourhood Plan, opposed by many local residents together with the Aldreth Community Association and the Parish Council, destructive to the lives of the immediate neighbours, and a demonstration of greed on behalf of the landowners since the land was originally allocated as gardens for 3 and 4 Meadowbrook. He stated that approval of the application would undermine local belief in the emerging Neighbourhood Plan and the local Planning process, and he urged Members to maintain consistency with the decisions on the previous applications and appeal.

There were no questions from Members for Parish Cllr Mark Hugo.

Speaking as the Ward Member for the application site, Cllr Wilson explained that he had called-in the application because it was clear that the Officer's recommendation was strongly opposed by the Parish Council, the residents' association, and local residents. He reminded Members that the prevailing attitude within the parish was to support new houses in appropriate locations, as evidenced by recent developments and planning permissions within Haddenham, and therefore he considered that the Committee should support the Parish Council.

There were no questions for Cllr Wilson.

The Case Officer clarified the historical situation by explaining that the original drawings showed 3 and 4 Meadowbrook in their current locations but with different curtilages. Regarding ecology, both the Wildlife Trust and Natural England were satisfied with the reports that had been submitted. Regarding the report from the Appeal Inspector, there was no mention of back land development and the density was considered acceptable.

Responding to questions from Cllr Huffer, the Officer confirmed that the application site had at one stage been allocated as gardens for 3 and 4 Meadowbrook but was no longer within their curtilages from 1997 onwards and she did not know when it had been sub-divided prior to that. The Planning Manager further clarified that construction on a garden was not automatically considered to be backland development; it would be the positioning of the new building in relation to existing buildings that determined whether it would be backland development or infill.

Responding to questions from Cllrs Downey and Trapp, the Officer explained that there had been no ecological reports with the initial application but the applicants had later submitted a Great Crested Newt report and then a Preliminary Ecological Appraisal. It was standard practice for the reports to be provided by applicants and they were then checked by external consultees as part of the Planning process. Although the ecological support document supplied by the neighbour at 3 Meadowbrook was more detailed than the applicant's documents, the Wildlife Trust

AGENDA ITEM NO 3

had been satisfied that all of the information provided by the applicant and the mitigation measures were sufficient.

Cllr Trapp asked at what stage Officers checked whether approved plans had been effected or changed and the Planning Manager explained that with thousands of applications it was not possible to proactively check them all. Enforcement Officers should be informed of any potential alterations or breaches and they would then investigate. Following questions from Cllr Stubbs, the Planning Manager explained that, as per report paragraph 7.6.1, the Haddenham Neighbourhood Plan was only at a stage where it could be given limited weight in the decision process. She also reminded Members that all applications should be judged on their own merits and that Members must cite Planning reasons when going against Officers' professional recommendations.

The Chairman then opened the debate. Cllr C Ambrose Smith commented that, from her observations at the site visit earlier in the day, the site access appeared to be good and the site was of a reasonable size and did not appear cramped. Both neighbouring properties had large gardens and the owners had presumably bought the properties with their current gardens, therefore consideration of earlier changes to the property boundaries prior to construction were not relevant. Opinions on Planning issues and on house design had changed over the last 20 years, therefore since the Planning Officers felt the building design to be acceptable there appeared no reason to refuse the application. Cllr D Ambrose Smith agreed that based on the submitted plans the plot appeared to be of similar size to its neighbours, although he had not seen the site, and the frontage appeared similar to 3 Meadowbrook in terms of having a turning circle rather than a front garden.

Cllr Huffer disagreed and stated that she believed the proposal to be highly detrimental to the environment of the neighbours, being overly dominant, over-developed, and not in keeping with the local streetscene. She also expressed reservations about the applicants' ecological reports, citing the residents' stated knowledge of bats and newts in the area and that she did not consider that mitigation would save them. In addition, the principle of developers seeking to incrementally increase the number of properties on site during and after the application process should be strongly discouraged. Cllr Brown agreed that the proposed dwelling would have a significant impact on residential amenity, as well as being detrimental to the character and appearance of the streetscene, with a cramped appearance and would not be in keeping. He proposed that the application should be refused on those grounds, against the Officer's recommendation, and Cllr Huffer seconded the proposal.

Cllr Downey expressed less concern regarding the debate over cramped appearance, although he remained unconvinced that the growth of hedges was a convincing change in the period since the previous rejections and appeal, but felt a more significant consideration was the ecology. The Preliminary Ecological Appraisal had been submitted relatively late in the process and the Wildlife Trust had recommended mitigation prior to construction but Cllr Downey raised concerns about the ability to control the measures in place after approval was granted. Cllr Wilson reminded Members that Great Crested Newts could only be found at certain times of the year and therefore would not be found if studies were done at the wrong time. He commented that the application was very similar to those that had been refused on three prior occasions and that, although some trees had grown since those refusals, it would still go against how the street and Aldreth looked.

The other houses were relatively new and had open views whereas the proposed building would only have a driveway to the front and looked to be situated behind 3 and 4 Meadowbrook and was therefore backland development. In addition, the Committee usually supported the views of Parish Councils and residents' associations, both of which had objected to the proposal. Cllr Trapp added that he felt the proposed house looked slightly larger than those in previous applications and that although it was set further back within the site it reached the boundaries.

It was resolved, with 7 votes in favour, 2 votes against, and 0 abstentions:

That planning application ref 20/01295/FUL be REFUSED on the grounds that the proposed development would have a significant detrimental impact on the residential amenity of the neighbouring properties, would be visually detrimental to the local character and appearance of the street scene, and would be cramped in appearance.

2:51-3:04pm: a comfort break was taken.

33. 21/00463/OUT – 44 CAMEL ROAD, LITTLEPORT, CB6 1PU

Emma Barral, Planning Officer, presented a report (W60, previously circulated) recommending refusal of an application seeking outline planning permission (with all matters reserved apart from layout) for the construction of two dwellinghouses, each with two car parking spaces and rear garden area, on the vacant parcel of garden land to the north of 44 Camel Road and to the south of 46 Camel Road.

A block plan and aerial photographs were shown to demonstrate the site's location in garden land for 44 Camel Road on the outskirts of Littleport, outside the development envelope but sandwiched between two sections of it due to a gap retained by the Local Plan 2015 policies map. A site plan illustrated the proposed layout for the two houses and their parking and rear gardens, and various photographs showed the existing land use and relationship with 44 Camel Road.

The main considerations for the application were deemed to be:

- **Principle of development** – The application site was located outside the development envelope of Littleport and did not meet any of the identified exceptions in policy GROWTH2, therefore the development was considered to be unacceptable in principle.
- **Visual amenity** – Full details of the scale, access, landscape and appearance had not been included and would need to be assessed at the reserved matters stage. However, the scale of the proposed dwellings had been shown indicatively as chalet bungalows and the extent of the proposed plot sizes and rear private amenity space was sufficient to comply with the requirements of the Design Guide SPD. When considering the scale and design of existing development in the surrounding area, it was considered that two dwellings could be accommodated on-site without being visually intrusive. The proposed development would preserve the character and appearance of the surrounding area in accordance with policies ENV1 and ENV2.
- **Residential amenity** – There was sufficient room within the site, and sufficient separation from neighbouring dwellings, to accommodate two dwellings with a high standard of amenity whilst ensuring no significant detrimental harm would be caused to the amenity of the neighbouring

properties. The indicative chalet style dwellinghouses would not be significantly taller than 46 Camel Road to the north (a two-storey dwelling) and no harmful overlooking or overshadowing would occur to 44 Camel Road to the south (a bungalow). A small degree of overlooking to the rear gardens of the two proposed dwellings would be likely but was not considered to be uncommon or sufficiently harmful to warrant concern. The proposed development therefore accorded with policy ENV2 of the Local Plan in respect of residential amenity, as far as could be determined at the outline stage.

- **Highways** – The proposed development would create new vehicular accesses onto the corner of Camel Road and Horsley Hale and, although access was not a matter under consideration for the outline application, the site layout would necessarily influence access arrangements. The Local Highways Authority had reservations about reversing onto the highway at that location but noted that the situation was not uncommon locally and there was no history of recorded injury accidents. They therefore had no objection to the proposed layout and agreed that the provision of two vehicular access points as indicated in the application would be acceptable in principle. They also confirmed that the provision of vehicular and pedestrian accesses along the site frontage could be constructed entirely within highway land and under separate highway legislation. There would be sufficient room within each plot to accommodate adequate parking for two cars, in accordance with the Council's parking standards. The proposed development was therefore considered to comply with policies COM7 and COM8.
- **Flood risk and drainage** – The site was located within Flood Zone 2 and 3 (benefitting from flood defences) and was therefore at higher risk of flooding than Flood Zone 1 where development should usually be focussed. The application site fell outside the development envelope, informed by the Strategic Flood Risk Assessment for the District, and therefore on the basis of the site location the proposal was not considered to have passed the sequential test. The applicant had not submitted a Flood Risk Assessment to demonstrate that the proposal would be safe for their lifetime in terms of flood risk, or would not result in increased flood risk elsewhere. The proposed development was therefore considered to be contrary to policy ENV8, the Flood and Water SPD, and the NPPF in terms of flood risk.
- **Other matters** – If approved, it was recommended that conditions should be applied to require a scheme of biodiversity improvements, to ensure that the developer complied with the surface water drainage strategy shown on the submitted plans, to require a contamination assessment to be submitted to and agreed by the Local Planning Authority prior to commencement, and to address any unexpected contamination which may be found when carrying out the development.

In summary, the application site was located outside the development envelope of Littleport and therefore the principle of development was not acceptable and the proposed development would be contrary to policy GROWTH2 of the Local Plan. In addition, the applicant had not submitted a Flood Risk Assessment and the proposals would therefore be contrary to policy ENV8, the Flood and Water SPD, and the relevant sections of the NPPF on the basis of flood risk.

On the invitation of the Chairman, Greg Saberton, agent for the applicant, addressed the Committee. He explained that his client's parents had lived at 44 Camel Road for over 55 years and the purpose of the proposed two dwellinghouses

AGENDA ITEM NO 3

was to provide homes for their two sons in order to assist with care needs and enable them to stay in their family home. The site was in excess of 92m in length along Camel Road with the existing bungalow positioned towards the middle, a garden to the south, and the proposed development site to the north. Each new plot would exceed the minimum size required, there would be no overlooking, the Local Highways Authority and the neighbours had no concerns, and the Parish Council's concerns were very limited. A Flood Risk Assessment would be submitted at the reserved matters stage but previous experience along Camel Road had indicated that bedrooms would need to be upstairs. The plot was not very rural or isolated since it lay within a few minutes' walk from the town centre, school and sports centre, and was the only piece of land on Camel Road to be outside the development envelope. Although the Council could demonstrate a 5-year land supply, he believed that if infill was permitted the site would surely comply. He reminded Members that there was no financial incentive for the development, the intention was purely to provide homes for family members to assist with caring.

When asked by Cllr Trapp why no Flood Risk Assessment had been submitted, the agent explained that he had advised the applicant against spending the necessary >£1k since the site lay outside the development envelope and he believed that the application was not looking favourable in terms of likelihood of approval. He confirmed to Cllr Wilson that two plots were required, rather than one plot with a greater turning circle for vehicles, since there were two brothers to house separately.

The Officer had no further comments to make, therefore the Chairman invited questions from Members. Cllr D Ambrose Smith explained that he had called the application in to Committee for consideration due to the broken development envelope which already had other nearby houses positioned outside it. He asked whether the Officers would have reached a different conclusion if the development envelope had included 46 and 46a Camel Road to the north of the site. The Planning Manager said the application would need to be determined on its own merits. Cllr Huffer also queried the position of the development envelope. The Planning Manager reminded Members that the development envelope was defined and approved by the Council in 2015 as part of the Local Plan following consultations with residents, parishes and Councillors, and after consideration by an Inspector and various hearings; the application needed to be considered accordingly. Cllr Huffer asked whether the plot lay both within the garden of 44 Camel Road and outside the development envelope. The Case Officer confirmed that there was garden and residential curtilage to the north and south of the dwelling, the plot was positioned to the north and only the dwelling and the land to the south lay within the development envelope.

Cllr Downey asked whether it would be possible to provisionally approve the application subject to a Flood Risk Assessment but the Planning Manager explained that the NPPF required the Assessment, as did the Flood & Water SPD and Policy ENV8.

The Chairman opened the debate and Cllr D Ambrose Smith reminded Members that they had approved the previous agenda item's application to build a dwelling outside the development envelope on the basis that there was an existing dwelling on-site, this application was also outside the development envelope and with an existing dwelling. At the invitation of the Chairman, the Planning Manager

explained that Agenda Item 5 had involved the replacement of the existing dwelling whereas the current application sought approval for two additional dwellings and therefore would be contrary to policy GROWTH 2.

Cllr Brown stated his support for the Officer's recommendation of refusal, on the grounds that the site lay outside the development envelope and could not be assessed as exceptional design since it was an outline application only without design details. Cllr Wilson agreed that the application could not be approved since it was contrary to two Planning policies. He agreed that the broken development envelope did not appear sensible and suggested that if Littleport Parish Council prepared a Neighbourhood Plan then the applicant should apply to include the site within the development envelope. He also commented that, although he understood the desire not to spend money on a Flood Risk Assessment, the Planning process required it to be submitted and therefore it should have been completed.

Cllr C Ambrose-Smith asked whether the applicant could re-use the kennels on site and convert them. The Planning Manager stated that was not the case which had been put forward and while there was a policy on the conversion of agricultural buildings, the outbuilding would not comply with this.

Cllr Trapp agreed with Cllr Wilson's comments regarding the need for the Flood Risk Assessment but also expressed his support for the concept of family members living close to each other for support, and suggested that the addition of two dwellings on the site would not be intrusive, but there should have been pre-app and a flood risk assessment should have been submitted. He also stated his awareness that there would be no control over who would end up living in the proposed houses.

The Chairman reminded Members that they had recently (7th July 2021) refused an application for a site in Pymoor due to its location outside the development envelope, despite it being very close to that development envelope and having previously-expired planning permissions. She stressed the importance of consistency in decision-making. The application site in this case was outside the development envelope, did not meet any exception criteria, had no planning history, was contrary to planning policy GROWTH2, and despite being situated within Flood Zones 2 and 3 the applicants had not submitted a Flood Risk Assessment. She encouraged Members to support the Local Plan due to the far-reaching repercussions of going against it, and proposed the Officer's recommendation of refusal which was duly seconded by Cllr Wilson.

Cllr Downey reiterated an earlier opinion that the break in the development envelope did not make sense, he therefore considered refusal of permission to be harsh and sought grounds to enable approval. He read aloud from policy GROWTH2 "...Development will be restricted to the main categories listed below, and may be permitted as an exception..." and suggested that, although the sentence was usually interpreted in terms of both a category and permission as an exception, it could instead be interpreted that an exceptional application could be permitted without falling in any of the listed categories. He stated that he considered this site to be exceptional due to its position sandwiched between two sections of the development envelope and he suggested deferring consideration of the application until the applicants had submitted a Flood Risk Assessment.

AGENDA ITEM NO 3

In response to a question from Cllr Huffer, the Planning Manager read aloud all of the categories for exception as detailed in policy GROWTH2. She also reminded Members that the NPPF allowed for buildings of exceptional design, although the standard of design needed to meet that criterion was very high. The issue of the flood risk also remained.

Following suggestions from Cllr C Ambrose Smith and Cllr Wilson regarding considering the proposed dwellings to be annexes, and whether siting the dwellings on the other side of the existing property would make them acceptable, the Chairman asked Members to focus solely on the existing application as presented to them.

It was resolved, with 5 votes in favour, 4 votes against, and 0 abstentions:

That planning application ref 21/00463/OUT be REFUSED for the reasons detailed in paragraph 1.1 of the Officer's report.

34. PLANNING PERFORMANCE REPORTS – JUNE AND JULY 2021

Rebecca Saunt, Planning Manager, presented two reports (W61 and W62, previously circulated) summarising the performance of the Planning Department in June 2021 and in July 2021. She explained that the anomalous below-target validation figures in June were due to simultaneous staff sickness and annual leave, and she highlighted the return to above-target figures in July. Although there had been a decrease in the number of applications received each month, overall the submissions were consistently higher than in 2019 (the 2020 figures were not directly comparable due to the effect of periods of lockdown). Attention was also drawn to the appeals received and decided in each month, and to two enforcement notices that had been served in July.

Cllr Trapp commented that the applications considered at the meeting had been approximately one year old and asked if that was a reflection of there being staffing issues within the Planning Department. The Planning Manager replied that there was a full complement of staff but that all Officers had high caseloads due to the number of applications received over recent months. The majority of applications did not take a year to determine but the department had a policy of working with applicants, for example regarding amendments and the provision of additional documents, in order to reduce the number of appeals. The Pre-Application Advice service was also useful in ironing out issues although at times Officers' advice was ignored by applicants.

The Chairman thanked all Officers for their hard work.

It was resolved:

That the Planning Performance Reports for June and July 2021 be noted.

The meeting concluded at 3:51pm.