



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday, 6th November 2019 at 2:00pm.

PRESENT

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

OFFICERS

Angela Briggs – Planning Team Leader
Maggie Camp – Legal Services Manager
Kevin Drane – Trees Officer
Rachael Forbes – Planning Officer
Barbara Greengrass – Planning Team Leader
Andrew Phillips - Planning Team Leader
Janis Murfet – Democratic Services Officer
Rebecca Saunt – Planning Manager
Angela Tyrrell – Senior Legal Assistant
Russell Wignall – Legal Assistant

IN ATTENDANCE

Cllr Lorna Dupré (Agenda Item No. 11)
Cllr Julia Huffer (Agenda Item No.9)
Cllr Alan Sharp (Agenda Item No. 6)
Approximately 40 members of the public

45. APOLOGIES AND SUBSTITUTIONS

There were no apologies given or substitutions made.

46. DECLARATIONS OF INTEREST

Councillor Jones said he wished to declare a slight pre-determination in respect of Agenda Item No. 7 (18/01777/OUT – Site West of Mulberry house, Barcham Road, Soham). In view of this, he would speak on the item, but not vote on it.

Councillor Stubbs declared a personal interest in Agenda Item No. 11 (19/00966/OUM – Land between 27 and 39 Sutton Road, Witchford). Her partner was employed by Savills as a building manager but had no involvement in this case. She stated that she was open minded about this application, and having taken advice from the Monitoring Officer, she would take part in the debate and vote on the item.

Councillor Schumann declared a personal interest in Agenda Item No. 12 (19/01030/FUL – Land Adjacent to 58 West Street, Isleham), the applicant being a second cousin once removed, however they were not close.

47. MINUTES

It was resolved:

That the Minutes of the meeting held on 2nd October 2019 be confirmed as a correct record and signed by the Chairman.

48. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- The Planning Department received approximately 2,000 planning applications per year and approximately 5% were dealt with by the Committee. Some cases could be dealt with by Officers under delegated authority, but others were required to come to Committee and this would be indicated in the planning report.

Members always had come to each application with an open mind or they could not participate its determination, and it was better to have a wide expression of views.

- The Planning Committee meeting scheduled for 4th December 2019 would take place in St Mary's Church Hall, St Mary's Street, Ely.
- Cathy White, Senior Trees Officer, had retired from the Authority on 1st November after 22 years of service; she had been very efficient and a great help to both Members and Officers. On behalf of the Committee, the Chairman wished her well for the future, and it was subsequently agreed that a letter of thanks be sent to her.

- On behalf of the Committee, the Chairman congratulated Catherine Looper on having been awarded her Master's Degree and being promoted to Senior Planning Officer.

49. CONFIRMATION OF TREE PRESERVATION ORDER E/08/19 – LAND OFF HOD HALL LANE, EAST OF METCALFE WAY, HADDENHAM

Kevin Drane, Trees Officer, presented a report (reference U100, previously circulated) from which Members were asked to confirm a Tree Preservation Order (TPO) for five trees on land off Hod Hall Lane, east of Metcalfe Way, Haddenham.

The Committee was shown a map indicating the location of the trees, an aerial view and photographs taken from various viewpoints.

The key points for consideration were:

- The opinion of the local residents who want the TPO confirmed on all five trees;
- The objections to the TPO from the agent representing the owners;
- The amenity value of the five trees, and the visual impact of the loss of some or all of the five trees in the local landscape.

The Order was made following a request by local residents who nominated the trees for preservation because they stood on the proposed development site for the current planning application 18/01041/OUM.

The proposed layout included a balancing pond that would likely require the removal of some or all of the trees, which were not protected at that time. The five trees were visible to neighbouring residents and made a visual impact and contribution to the local landscape in this location, providing a wildlife habitat.

The five trees were assessed for TPO on their amenity value, this being the only requirement needed in evaluating trees for the making of new TPO's and the TPO was served to allow time for debate on the future of the trees.

An objection to the serving of the TPO was received in writing from the owners' agent during the statutory consultation period; paragraph 4.3 of the Officer's report set out the details of the objection. It was the view of the Agent's appointed arboricultural consultant that TPO status on the five trees was not justified, and was questionable.

Support for the TPO was also received during the consultation period; the email was attached at Appendix 3 to the report.

Given the comments received, including the objections and the public request for the serving of the TPO, it was considered appropriate for the

Members of the Planning Committee to consider all the comments and reach a democratic decision on the future protection of the five TPO trees.

The Trees Officer said that while determining whether or not the trees were of sufficient amenity value was to some extent subjective, he remained of the opinion that they made a visual contribution to the local landscape and character of the area.

Members noted that a small error was spotted early in the consultation period. The Council's Senior Legal Assistant had confirmed that it was a minor error and could be amended on the original documents in the relevant sections with the Planning Manager's signature.

In response to a Member's question, the Trees Officer confirmed that if the Committee was minded to confirm the TPO with the modification, the Council could consider future tree work applications and approve suitable tree work specifications for the management of the TPO trees or refuse an application if the proposed tree work was not supported. If the TPO was confirmed, the five trees could not be removed without consent, and the Authority could seek replacement trees if they were to be removed.

However, if Members decided not to confirm the TPO, the Council would be unable to prevent the loss of the trees.

It was proposed by Councillor Wilson and seconded by Councillor Brown that the Officer's recommendation for confirmation of the TPO be supported, and when put to the vote,

It was resolved unanimously:

That TPO E/08/19 be confirmed with the minor amendment correcting tree T3 species name from Oak to Field Maple in the TPO schedule and on the TPO Plan for the following reason:

- The five trees are prominent specimens within the small copse, and visually contribute to the amenity of the local landscape in this part of Haddenham.

50. 18/01435/OUM – SITE EAST OF CLARE HOUSE STABLES, STETCHWORTH ROAD, DULLINGHAM

Andrew Phillips, Planning Team Leader, presented a report (reference U101, previously circulated) which provided Members with an update on application reference 18/01435/OUM which had been granted delegated approval at the Planning Committee meeting on 7th August 2019.

It was noted that since Members had made their decision, the Fire Service and Lead Local Flood Authority had submitted additional comments

following being approached by Dullingham Parish Council in relation to flood risk and emergency planning issues.

Dullingham Parish Council also did not consider the Sequential Test to have been fully covered in the previous committee report and therefore additional information in respect of this was provided in this report.

Paragraph 5.1 of the Officer's report summarised the responses received from consultees since the previous Committee meeting.

A number of illustrations were displayed at the meeting, including a site location map, aerial photograph, proposed junction, an indicative Masterplan and maps relating to areas of flooding.

The main considerations in the determination of the application were:

- New consultation comments;
- Flood Risk and Drainage – Sequential/Exception Test; and
- Access in an Emergency.

With regard to the principle of development, Members noted that the Council could only demonstrate 3.7 years of housing supply. However, Dullingham had a train station and the proposal was a mixed use development in close proximity to the village. The site was considered to be in a relatively sustainable location and would provide much needed housing.

The Lead Local Flood Authority previously had no objection to the scheme, subject to a drainage condition. This still formed Condition 7 and was covered in the previous Committee decision. The proposal would still lead to a short term improvement in drainage and in the long term, lead to a neutral impact.

The Fire Service had expressed concern that it would be delayed in getting to a fire in the event of a 1:100 year flood. It had specifically expressed the need to provide each proposed dwelling with a sprinkler system to cover the potential delay and minimise the risk to life. Although such a blanket requirement would be unreasonable in the planning system, in this case there was a very specific reason as to why sprinklers were required and on this basis it was considered reasonable to add a condition to ensure their provision.

The NHS East Anglian Ambulance Service had not commented during the consultation period but had since confirmed that a flood event would delay them on the ground. They sought community defibrillators to be located on the site, and the following new condition was therefore recommended:

'Prior to first occupation a scheme to provide defibrillators for public use and details of future maintenance/management of the defibrillators shall be submitted to and agreed in writing with the Local Planning Authority. Prior to first occupation the defibrillators shall be in situ in accordance with the agreed

details and the maintenance/management details approved shall thereafter be complied with in perpetuity.

Reason: To ensure proper infrastructure for the site in the interests of public safety for emergency use. This is supported by paragraph 95 of the NPPF.'

The Environment Agency had no objections to the proposal.

Turning next to the issue of flood risk and drainage, the Planning Team Leader drew Members' attention to the various illustrations and explained that the proposal was considered to comply with Policy ENV8 and the NPPF, as the site had passed both the Sequential and Exception Test. The housing would be fully located within Flood Zone 1 and it would also not increase surface water flooding elsewhere in the long term. All residents could evacuate the site on mass if needed in an emergency during a flood, and therefore an Emergency Plan was not needed.

It was therefore considered that the public benefits of the scheme would outweigh the harm and the application was recommended for delegated approval, subject to the completion of a S106 agreement and recommended conditions.

The Planning Team Leader responded to a number of questions from Members. He said that because climate change was an unknown, there would be additional storage on the site to cover any potential change and this would reduce flood risk by up to 40% in the short term.

The point was made that people would need training in the use of defibrillators and they would require maintenance and upkeep; this was covered by the previously mentioned new condition. It was suggested that the Air Ambulance could land if needed, but the Planning Team Leader replied that it would depend on weather conditions and the state of the landing area.

At the invitation of the Chairman, Ms Sarah Mardon addressed the Committee and made the following points:

- She was speaking on behalf of residents, and they believed the application should be refused;
- It was not consistent with local and national policy and the developer had failed to provide any supporting evidence;
- No suitable surveys had been carried out and the Wildlife Trust recommended that the application either be withdrawn until the surveys had been done, or refused as it was contrary to the NPPF;
- Natural England believed the scheme to be in direct conflict with paragraph 175 of the NPPF;
- The Wildlife Trust reiterated the need for the proposal to demonstrate a net biodiversity and ecology gain;

- The AGB Environmental Report stated that further survey effort were required. There was no evidence of this and therefore the application was not legally compliant;
- The levels of traffic had not been taken into account and did not include Station Road or the Stetchworth Road. The B1061 was a key route out of the village and was already beyond very congested;
- There were only two buses per day and trains only hourly at peak times and every two hours for the rest of the day and there was no safe cycle route to Newmarket.

At the invitation of the Chairman, Mrs Kathryn Slater, agent, addressed the Committee and made the following remarks:

- The application was considered at Committee in August 2019 and nothing had changed in the interim. It had come back before Members because of further comments from the Fire and Ambulance Services, the Environment Agency, County Council and the Parish Council;
- The Fire Service had raised the risk of delayed access during flooding, but had said that this could be mitigated;
- The applicant would be happy to provide sprinklers in the dwellings and the Fire Service had withdrawn its objection;
- The County Council Lead Local Flood Authority felt there were insufficient grounds to object to the scheme;
- The footpaths and pedestrian access would be located in dry areas;
- The flood maps showed the water levels to be below 300mm;
- The Sequential Test was explained in the Officer's report;
- The Environment Agency had no objections and the Parish Council's concerns regarding access by the Fire Service during a flood were not shared;
- Dullingham is a sustainable village and this would be a sustainable development adjacent to the framework;
- There were no outstanding technical objections;
- The Council could not demonstrate a 5 year supply of housing land and therefore the presumption should be in favour of sustainable development;
- The proposal would boost housing numbers in the District and would include bungalows for the over 55's.

A Member enquired about the provision of community defibrillators. Mrs Slater confirmed that the applicant would be happy to provide them and the Planning Manager assured the Committee that this matter would be addressed.

At the invitation of the Chairman, Councillor Mark Robertson, Dullingham Parish Council, addressed the Committee and made the following comments:

- The site failed the Sequential Test, as there was an alternative site on the edge of the village that was put forward as part of the Local plan process;
- It also failed paragraph 157 of the NPPF and the Exception Test as not showing the site will be safe for its lifetime;
- Access and egress should be designed to cover all eventualities;
- Existing properties were built before the legislation and also before there were emergency services;
- The Fire Service did not believe an evacuation plan to be necessary, but the maximum depth of 300mm was incorrect. Run-off had no impact on flooding;
- Using CIL money was ridiculous;
- The proposal failed Policy ENV8 and failed to follow depth guidance;
- There would be no vehicular access for ambulance crews in the event of flooding, access by foot would be impractical and the Air Ambulance could not be used;
- The proposal would raise the risk of death and injury, and this was being done in the full knowledge that it failed local and national policy. The Authority was asking to gamble on people's lives and it made a mockery of the planning process;
- How could Members consider the application when so many matters were outstanding?
- Why was the authority backing the application when it failed the tests? The only option was to refuse the application.

A Member challenged Councillor Robertson's assertion that having housing on the land would present a greater risk than using it for equine activities. He thought that equine use could result in quite serious injuries, more so than that of housing. Councillor Robertson disagreed, saying that he believed the risk for 41 properties to be greater and the Air Ambulance was not always available to attend incidents.

In response to a question from another Member regarding the alternative site, Councillor Robertson said that it had been put forward during the Council's 'Call for Land' during the last Local Plan process and they were in discussions with the Parish Council. The site was an equivalent size to this application site, there was no risk of flooding and the land was available, subject to planning.

At the invitation of the Chairman, Councillor Alan Sharp, a Ward Member for Woodditton, addressed the Committee and made the following points:

- The application seemed to have been pushed through quickly. Comments were still coming in and they should be available to the public;
- There were many inconsistencies. The report stated that the Ambulance Service had not provided comments, but the Case Officer has now advised that comments were received after the report was written. Ambulance Service vehicles had the wading depth of a car tyre. The nearest response team was at Melbourne and the Air Ambulance was not equipped for dark or bad weather;
- Paragraph 7.6 – emergency vehicles would have to go up and down a steep hill;
- Paragraph 7.10 stated that there was a lack of available housing sites but one, which was far more suitable, had been put forward in the 'Call for Sites';
- A lot of money would be needed for vital infrastructure, the CIL money would not cover the amount needed;
- No species-specific surveys had been done and there was no mention of the stud land. If it threatens the horse racing industry then it should be refused;
- The site had not been marketed for ten years and traffic was still a big issue;
- There were lots of potential conditions that could be included in a more detailed application;
- The application should be refused on the grounds of ecology, flooding, public safety and traffic and the loss of stud land.

The Planning Team Leader reminded Members that the loss of paddock land had been considered when the last application was assessed at Committee. The Planning Manager added that the current status of the application following August's Committee that it was a live application and no decision had been issued. She cautioned that if Members were now to refuse

permission for reasons that they had previously been happy with, it could leave the Authority open to challenge.

A Member raised the issue of ecology, saying that some of the comments had not been available last time. The Planning Team Leader advised that it could be dealt with in one of two ways: either carry out detailed surveys early on and mitigate, or use the 'gold standard' and treat the site as if every species was present; the latter would result in a much larger improvement.

Another Member wished to know how many points on the road would be liable to flooding and was advised that it was the whole stretch. However, the Lead Local Flood Authority had said that the road would drain more equally and the Fire Service had raised the matter because it was something they had to check.

It was proposed by Councillor Schumann that the Officer's recommendation for delegated approval be supported. Having reviewed the minutes from the meeting in August, he was still not comfortable but felt that there were not significant enough reasons to tip the balance in favour of refusal. He hoped that the condition relating to the defibrillator would not be made too onerous, as defibrillators are fool proof to use.

The motion was seconded by Councillor Stubbs.

A Member remarked that there had been some comments made questioning the competency of Officers and it should be remembered that Members were not the experts; they relied on Officers for their training and expertise.

Another Member, having listened to the views of the Parish Council, questioned why this site should be accepted when there was one more suitable with no problems and why that site was not coming forward for development.

The Committee returned to the motion for approval and when put to the vote, it was declared carried with 10 votes for and 1 vote against.

It was resolved:

That planning application reference 18/01435/OUM be APPROVED subject to the signing of the S106 Agreement and the recommended conditions as set out in the Officer's report and in the Committee update, with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and to issue the planning permission.

51. **18/01777/OUT – SITE WEST OF MULBERRY HOUSE, BARCHAM ROAD, SOHAM**

Rachael Forbes, Planning Officer, presented a report (reference U102, previously circulated) which sought outline planning permission with some matters reserved for the erection of one dwelling, access and associated site works. Matters relating to appearance, landscaping and layout were reserved.

Members were asked to note an error in paragraph 9.5 of the Officer's report; references to 19/01923/RMA should read 17/01923/RMA.

The site was located between the A142 and Barcham Road on the northern edge of Soham and outside of the established development framework. The proposed dwelling would sit between two previously approved dwellings which were nearing completion. Barcham Road was a single car width road with no pedestrian footpath or street lights; a number of dwellings and rural businesses were regularly spaced along the road.

It was noted that the application was called in to Planning Committee by Councillor Jones as he considered the application to be finely balanced.

A number of illustrations were displayed at the meeting, including a site location map, aerial photograph, the outline of the proposal and photographs relating to visual impact.

The main considerations in the determination of the application were:

- Principle of Development;
- Visual Amenity;
- Residential Amenity;
- Ecology;
- Highway Safety and Parking; and
- Flood Risk and Drainage.

The Planning Officer reminded Members of the history of the site, which included four previous applications. Two had been recommended for refusal but were overturned at Committee, and two were granted permission under delegated authority.

The Council was currently unable to demonstrate an adequate five year housing supply and therefore applications were being assessed on the basis of presumption in favour of development unless there were any adverse impacts in doing so.

The application site was situated outside of the development envelope for Soham and was therefore considered to be in the countryside. It was considered that the proposal would provide very limited economic benefits through jobs during construction and the spending of future occupiers.

Barcham Road was a 60mph road with no footpath or street lighting and it was approximately a 40-50 minute walk to the services and facilities in Soham. Occupants were therefore very likely to be dependent on a private vehicle to access those services and facilities. The proposed development would cause significant harm to the character and appearance of the area by virtue of further enclosure and erosion of the openness and rural character in the countryside location through the introduction of further built form. It was considered that the environmental benefits would not outweigh the harm caused to the character and appearance of the area and the development did not constitute sustainable development.

Although appearance and layout were not being considered at this stage, in terms of visual impact, it was considered that the proposed dwelling would result in further enclosure and further erosion of the openness and rural character in this countryside location through the introduction of further built form. This impact was further exacerbated by the sheer scale of the dwelling at a depth of 16 metres and the proposal would result in a group of three dwellings contrary to the general sporadic pattern of development along Barcham Road.

Appearance was not for consideration at this stage and therefore overlooking could not be fully assessed. However, given the separation distances, it was considered that a dwelling could be achieved without resulting in a significant impact to residential amenity.

In terms of highway safety, it was noted that the access to the dwelling would be from Barcham Road and there would be sufficient room on site for the parking and turning of vehicles and parking spaces for two cars. The Local Highways Authority had no objection in principle to the proposal but had reiterated previously raised concerns regarding the increasing number of new dwellings along Barcham Road and the lack of infrastructure. They considered that should such incremental development continue it was likely to result in the detriment to highways safety, an increase in vehicle and pedestrian conflict, and be unaligned with the ECDC Sustainability policies.

It was noted in the Officer's presentation that no ecological assessment had been submitted and the application form stated that there was not a reasonable likelihood of protected or priority species, designated sites or geological features being affected by the proposed development. Previous applications at the site had ascertained that the site was not of particular ecological importance. Ecological enhancements could be secured by an appropriately worded condition.

The Planning Officer concluded by saying that the application was considered to be in an unsustainable location that did not meet all of the three dimensions of sustainable development and it was therefore recommended for refusal.

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

- The applicants had purchased the site in November 2018, seeing it as an opportunity to deliver a modest dwelling in the countryside which they are currently building;
- The site was quite large so they decided to look at the opportunity to build an additional dwelling;
- The Council could not currently demonstrate a five year supply of housing land, therefore the presumption had to be in favour of sustainable development;
- He disagreed that the proposal would cause any harm. Sustainability was based on three principles: economic, social and environmental. There would be some economic benefits to the scheme, and the introduction of a dwelling would satisfy the social element by reinforcing the community and meeting the needs of future generations. In respect of environment, the site was accessible by foot and bicycle and the applicants would provide an electric charging point. The character and appearance of the area was not one of purely large plots;
- It might be a national speed limit road, but a survey had shown traffic travelling at an average of only 30.3 mph;
- It was close to a primary school, grocery store and bus stop, so is a sustainable location;
- Appearance and layout were reserved matters. The NPPF said that developments should make optimal use of the land and this proposal would not be out of keeping with the area. It would use only 16% of the site.

Councillor Jones said he had called in the application as he believed some objections were subjective. He thought the area looked clustered and an additional property would not detract from its appearance. Transport was available and was within 100 metres of the main road.

Other Members were of the opinion that the road consisted of large dwellings in different settings and different styles and that permitting the application would give the appearance of the dwelling having been squeezed in and this was a step too far. This location signified the end of Soham and the Officer was correct in recommending refusal.

It was duly proposed by Councillor Brown and seconded by Councillor Austen that the Officer's recommendation for refusal be supported.

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

It was resolved:

That planning application reference 18/01777/OUT be REFUSED for the reasons given in the Officer's report.

52. 19/00214/OUM – LAND SOUTH OF 18 WILBURTON ROAD, HADDENHAM

Angela Briggs, Planning Team leader, presented a report (reference U103, previously circulated) which sought outline planning permission for up to 110 residential units on land to the south of 18 Wilburton Road, Haddenham. Approval was sought for access only as part of the application, with all other matters (appearance, landscaping, layout and scale) reserved.

Members were asked to note an update in respect of paragraph 2.7 of the report; the applicant had now agreed an extension of time to 11th November 2019.

The site was located on the south eastern edge of Haddenham on land outside the development envelope. It was to the south of Wilburton Road (A1123), from which a single vehicular access was proposed. The majority of the surrounding land to the north east and south was undeveloped agricultural land, with some scattered residential dwellings and other buildings. To the west was the village of Haddenham, with Orchard Way and the adjoining Pear Tree Close immediately to the west of the site.

The application had been brought to Planning Committee in accordance with the Council's Constitution, as it was over 50 dwellings.

A number of illustrations were displayed at the meeting, including a site location map, aerial photograph, the outline only with access of the proposal; a map of the proposed access and photographs taken from a number of viewpoints.

Speaking of the planning history, the Planning Team Leader said that application reference 14/00130/OUM had been refused permission at Planning Committee on 7th August 2014. The decision was appealed but the appeal was withdrawn before an Inspector was able to make a decision.

The main considerations in the determination of the application were:

- Principle of Development;
- Visual Amenity;
- Highway Safety and Accessibility;
- Biodiversity and Ecology;
- Archaeology;
- Flood Risk and Drainage;
- Residential Amenity; and

- Other Matters.

Members noted that the application site was outside of but adjacent to the development framework. As the Council was currently unable to demonstrate a five year supply of housing land, the presumption should be in favour of sustainable development unless there were any adverse impacts in doing so.

In terms of economic benefits, the proposal would bring about some short term local employment. However, in terms of the environmental aspect, the proposal failed to respect the existing landscape setting of the village or enhance the biodiversity value of the site by an acceptable site-wide biodiversity strategy. In terms of social benefits, the proposal would result in an adverse impact on highway safety for all road users including pedestrians, and it did not mitigate against the impacts on the local infrastructure (health care and early years).

With regard to visual amenity, Haddenham was one of the highest points in the Fens and the northern ridge allowed long distance views towards Cambridge. This was part of Haddenham's historic landscape and highly distinctive landscape in the local area.

A Landscape Visual Impact Assessment had been submitted and the Landscape Consultant had concluded that development on these slopes was not characteristic of Haddenham and the proposal would not be easily integrated; the effect on the landscape would remain adverse in the longer term.

Speaking next of highway safety and accessibility, the Planning Team Leader said that the proposal was not supported by the Highways Authority. The vehicle movements associated with the new access would lead to conflict and interference with the passage of through vehicles and would therefore be detrimental to highway safety. The applicant had failed to submit further information to demonstrate that the proposed junction could be laid out to the correct guidance and Highways standards. Furthermore, there was inadequate pedestrian infrastructure to serve the proposed development.

The Committee noted that the application was accompanied by a Preliminary Ecological Appraisal (PEA) and a Bat Roost Potential Survey Report. The PEA was extended to cover Great Crested Newts and a further Bat Survey, and a Biodiversity Impact Assessment Calculator was also submitted to assess the biodiversity net gain. Advice from the County Wildlife Trust requested that further Great Crested Newt surveys should be undertaken. The Wildlife Trust advised that a biodiversity net gain had not been demonstrated and therefore could not be achieved based on the proposed illustrative layout.

Archaeology was significant in the previous application and formed the third reason for refusal. The site had archaeological significance and this application was accompanied by an Archaeological Evaluation which had been assessed by the County Council Archaeology team; no objections had

been raised, subject to a condition requiring a Written Scheme of Investigation.

In connection with flood risk and drainage, it was noted that the application site lay within Flood Zone 1. A Flood Risk Assessment (FRA) and foul sewerage assessment had been submitted and assessed by the Environment Agency, Lead Local Flood Authority, and Anglian Water. No objections had been raised by any of the bodies and it was therefore considered that the proposed development complied with local and national policy.

With regard to residential amenity, matters such as appearance and scale would be considered as part of a reserved matters application if outline consent was granted. An odour assessment had been submitted and reviewed by the Council's Environmental Health Officer and no objections had been raised. The Council's Scientific Officer had reviewed the Contaminated Land report and supported the conclusions, recommending conditions relating to the submission of a full land contamination report, and requiring the developer to make the Authority aware of any future sources of contamination during construction.

Turning to other matters, the Planning Team Leader said the applicant had submitted a Heads of Terms document in which the need to contribute towards primary and secondary education was acknowledged. NHS England had identified a need for a contribution towards primary health care due to the pressures the development would bring on the local GP practice. This was not included within the Heads of Terms, contrary to Policy Growth 3 of the Local Plan.

The scheme would deliver 30% affordable housing, but it did not acknowledge or confirm the requirement to include a minimum of 5% self-build plots as part of the proposal. The application therefore failed to comply with Policy HOU 1 of the Local Plan.

The Planning Team Leader concluded by saying that the adverse impacts of the proposal significantly outweighed the benefits and the application was therefore recommended for refusal.

At the invitation of the Chairman, Councillor Chris Ray, Chairman of Haddenham Parish Council, addressed the Committee and made the following points:

- He thanked the Case Officer for an excellent, balanced report;
- The Parish Council was against the application;
- The scheme was inappropriate and speculative;
- There were spectacular views from the hill in Haddenham and formed an important gap between Haddenham and Wilburton;

- The Parish Council had worked tirelessly to keep a sustainable level of development and recently had a CLT development approved;
- Haddenham are in the process of developing a 20-year Neighbourhood Plan to shape the future of the village;
- If the site was developed, it would cause congestion and pollution and the unacceptable effect on the village would be immense;
- What was the point of preparing a Neighbourhood Plan when something like this was thrown on you?
- This development is opportunistic and should not take place.

Councillor Schumann commented that he was disappointed that neither the applicant nor the agent had attended the meeting to address the Committee. He asked the Case Officer if they were present and she stated that they were not present at the meeting.

Councillor Wilson proposed that the Officer's recommendation for refusal be supported.

He noted that many comments had been received regarding the proposal but nobody seemed to think it was a good idea, and the developer had not taken the trouble to consult anyone or even come to the Committee meeting. The road junction had seen many accidents and near misses, and Members should follow the advice given by the County Council, Highways and residents.

The motion for refusal was seconded by Councillor Brown. He said he had served on the Planning Committee in 2014 and the previous application had attracted a big debate regarding the highways issues. It would be hugely dangerous to have traffic coming out onto this junction.

One Member said she wished to thank Haddenham Parish Council for developing a Neighbourhood Plan as she was aware of how much time and effort it took, and another commented that she found it refreshing to see the Parish Council and District Council working together.

The Chairman said he knew the junction well and it was shockingly dangerous; he considered the application to be 'truly dreadful' and this was a very special area with a beautiful view.

The Committee returned to the motion for refusal, and when put to the vote,

It was resolved unanimously:

That planning application reference 19/00214/OUM be REFUSED for the reasons given in the Officer's report.

53. 19/00447/RMM – LAND ACCESSED BETWEEN 2 AND 4 FORDHAM ROAD, ISLEHAM

Andrew Phillips, Planning Team Leader, presented a report (reference U104, previously circulated) which sought reserved matters consent for appearance, landscaping, layout and scale for 121 dwellings following outline permission (including details of access) under planning reference 18/00363/OUM.

Members were asked to note the tabled update which indicated the net and gross densities of the development; drainage remained a condition on the outline consent that would need to be discharged, and no new concerns had been raised in the neighbour responses although previous concerns were highlighted.

The site was located outside of, though adjacent to the village framework. The Isleham Recreation Ground was to the east of the site, with residential dwellings to the north and west. To the southwest were industrial units on Hall Barn Road and to the south was Fordham Road, onto which it was proposed that the application site would connect.

The approval for the outline consent (18/00363/OUM) was granted on the basis that any reserved matters were to be determined by Planning Committee, as well as the recommended conditions and completion of a S106 Agreement.

A number of illustrations were displayed at the meeting, including a site location plan, aerial view, indicative layout and full details of the proposal, elevations of the proposed street scene, and a slide showing the buffer zone.

The main considerations in the determination of the application were:

- Principle of development;
- Residential amenity;
- Visual impact and landscape;
- Highway safety and parking;
- Ecology; and
- Housing mix.

The Committee was reminded that the principle of development, the access onto the public highway and the impact upon local services, facilities and infrastructure was assessed at the outline stage and subsequently approved.

It was noted that the developer had provided the required buffer zone as defined by the outline application along the western and northern boundary. Bungalows were placed along the rear of the existing properties of The Briars and the distance between them would stop the existing dwellings overlooking future residents and protect residential amenity.

With the distances involved and as well as the orientation of plots 116 and 117, there was not considered to be any detrimental harm to the residential amenity of the existing dwellings on the north west edge of the site. Existing vegetation would be strengthened to the rear of the properties and the self-build plots would be duly fully assessed when these reserved matters were submitted.

The Planning Team Leader showed Members two slides relating to ground floor daytime and first floor night-time noise levels. Concerns had been raised that during the daytime Fordham Road was relatively noisy to the nearest properties. However, the noise level at night was much lower and it would not prevent people from sleeping with a partially open window.

It was noted that the proposal was primarily two storey, with some single storey and 2½ storey properties. The developer had amended the house type designs to provide more architectural details. The layout was considered to have been carefully thought through to ensure that principle elevations always faced roads/public open space and that shared driveways were overlooked. The proposed materials were considered to give a good variety on the site and the landscape was of a good quality which would provide an attractive vista into the village.

Approval had already been given at the outline stage for two access points onto Fordham Road, with one being for emergency access only. The developer had provided amended details to demonstrate that the highway widths met the requirements set out by the LHA to ensure the roads were designed to adoptable standards. Details of the emergency access had also been provided to comply with the requirements of Condition 21 on the outline consent.

36% of the properties would be provided with tandem parking and 64% with non-tandem parking spaces. With 254 parking spaces provided (not including the 50 garage spaces) this was just under the requirement of two spaces per dwelling and the visitor spaces of one space per four dwellings sought by Policy COM 8. However, the developer had sought to provide as much visitor parking as possible while seeking to ensure that the roads remained adoptable.

Condition 16 in the outline application required each reserved matter to provide suitable biodiversity improvements in line with the submitted ecology reports. As well as the additional planting and SuDS details, the developer was also providing a range of bird and bat boxes, and invertebrate boxes. The level of biodiversity improvements was considered to be acceptable and a condition was recommended to ensure that the proposed measures were brought forward in a timely manner.

Members' attention was drawn to paragraphs 7.52 – 7.54, which set out the proposed housing mix. It was considered that the overall mix was acceptable and would provide for a wide range of people and families and it had a good social mix.

The Planning Team Leader concluded by saying that the proposal had been designed taking into account the constraints of the site, the requirements of the outline permission (including the S106) and the requirements of the statutory bodies. The scheme was considered to be acceptable and was therefore recommended for approval.

At the invitation of the Chairman, Mr Robert Eburne, Planning Director for Bloor Homes Eastern, addressed the Committee and made the following points:

- The application site was included in the draft Local Plan 2017 and the plans before the Committee today would build on the outline proposal and make good the promises made;
- There would be a great mix of homes with over 5% bungalows and 30% affordable housing;
- The application had great sustainability credentials. It would generate £1.2 million CIL and there would be £75k's worth of traffic calming, which would transform the village. There would be recreation land, an early years centre and a newly equipped area for play;
- This was not a speculative proposal and the development would be built between 2020 and 2023;
- Bloor was the only developer in the locality with a 5 star accreditation. The public and neighbours could be assured that the relationship with neighbouring properties would be respected. There would be no overlooking or overbearing;
- This would be an attractive low density development.

A Member asked about the type of properties to be located along the boundary, as he had some concerns regarding the nature of the self-build dwellings. Mr Eburne advised that Bloor had its own approval process; while wanting people to have the freedom to choose, the dwellings would fall within Bloor's strict parameter plan and there would be an element of control for the self-build properties. The rest of the properties would be a mixture of single and two storey, in accordance with the parameter plans

Another Member enquired about the management of the buffer zone and Mr Eburne said some of the vegetation would be retained. It would be maintained by a management company with a precept on each property.

Members noted that cars would be parked in front of each property rather than in a communal car park and therefore could be charged from the

properties if required. While the private drives shown on the plan would be built to adoptable standards, they would not be adopted by the County Council. A plan would be produced indicating the drop off and collection point for refuse bins.

A point was raised regarding the siting of the early years centre next to the Fordham Road. Mr Eburne responded that provision was absolutely needed and the County Council was content with the proposal. This facility was for the wider community and the drop off area would be a defensible space; it had been safety and health checked and would be pedestrian friendly.

Mr Eburne was next asked if consideration had been given to the incorporation of some one-bed market properties into the development. He replied that they were usually in the affordable dwellings and he believed the housing mix to be pretty complete in covering affordability.

At the invitation of the Chairman, Councillor Derrick Beckett, Isleham Parish Council, addressed the Committee and made the following comments:

- They had worked with Bloor before and expected good things of them, but there were some areas of concern;
- There were fears that with a footpath next to the early learning centre, it would become a drop-off area and parking should not be encouraged there;
- Need for and removal of emergency access to stop people parking on Fordham Road as this would be detrimental to the village;
- With regard to the western boundary, putting single storey properties along Hall Barn Road had been raised at the first opportunity;
- No 29b was not on the outline planning application, but would now have a gable end facing it. This would have a detrimental effect on light and overlooking and was not acceptable;
- The buffer zone was a good idea but he would like some guidance as he believed it could become a haven for drug addicts and antisocial behaviour, and it would be close to the back gardens of The Briars;
- It was requested that the dwellings on Plots 109 to 115 should be single storey;
- There were worries about the public open space – would this become Phase 4 of the development?
- If the application was approved, there should be restrictions on the self-build and the permitted development right should be removed from the garages to allow them to be converted;

- A decision on the application should be deferred to allow issues to be addressed.

A Member expressed surprise that the houses in the north-west corner, nearest to Hall Barn Road, were to be two storey and Councillor Beckett replied that he felt they should be moved away and made single storey or just have dormers at the front.

At this point, the Chairman exercised his prerogative to allow Mrs Alison Bye to address the Committee. She made the following points:

- She lived at 29b Hall Barn Road and in April 2019 she had forwarded her comments on the application;
- She was unable to comment fully and so had made phone calls to the Planning department, but had received no answers;
- On 11th September 2019 she was horrified to see Plot 116 so close to her boundary;
- She was not blinkered and expected there to be development. The Parish Council had always requested bungalows and yet there were only 3;
- Bloor's liaison with the Parish Council was nul and void and the development would have a detrimental impact;
- Her bungalow was closest and she wanted fair treatment. She had trees and shrubs but they would offer no protection or privacy from the development when there were no leaves on them. There would also be a loss of light;
- She could recognise the affordable housing and it was not scattered through the site;
- Plots 116 and beyond should be bungalows;
- Bloor Homes must have read all the comments. Concerns had been voiced and this was a democratic society, so everyone should work together. Bloor would move on from this development and the community would be left to deal with the issue. Bloor only knocked on my door this morning, they should have done this 2 years ago;
- She was just asking for fairness.

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

'Thank you Chairman and members of the Committee for allowing me to speak on behalf of the residents of Isleham and in particular Hall Barn Road.

You will have visited the site this morning and stood in the garden of 29b to see for yourselves the impact that parts of this development will have for residents. The developer talks of a 5 metre gap between the existing homes and the new houses as if it was a generous space which will ensure the quiet enjoyment of the current residents' homes and gardens. It will not. A 20 metre gap might, which would be possible if the developer moved the whole site away from the residents of Hall Barn Road instead of leaving a suspiciously large gap on the other side of the development. I understand the limitations of the Planning Committee, however the Directors of Bloor Homes could and in my opinion should listen to the residents who were promised much when the development was first mooted but have since been ignored and dismissed. All the residents are asking for is fairness and privacy. No-one should feel they cannot sit in their garden on a summer's day without being overlooked and fear that their bedroom can be looked into. This is unacceptable and I would ask that the Committee refuse this application until Bloor Homes listen to the pleas of residents and moves the site over away from Hall Barn Road or at the very least, ensure that there are no two storey dwellings along that side of the site.

When I hear from more than one resident that they are losing sleep and that the stress of what might happen to them in the future if this application goes ahead unaltered is making them ill then it is imperative that their voices are heard. I know you have the power to ask the applicant to go away and come back with a better and more considerate plan and I would ask that you do just that today.'

The Planning Team Leader reminded the Committee that the application had been brought back as when the outline was approved, Councillors had asked for all the reserved matters to be determined by Committee and therefore the self-build plots would be before Committee to be determined once they had been submitted. It would be unfair to add additional conditions. With regard to the comments about antisocial behaviour at the buffer zone, the police had commented on the application and had raised no concerns. The early years centre would have visitor spaces located adjacent to the road and Highways had accepted it because of the benefits it would bring. The only way to stop parking would be by having yellow lines and this would be a matter for the County Council.

The Planning Team Leader cautioned Members to be careful regarding amenity because the application complied with the Design Guide. If they refused permission, they could incur costs on appeal and if they wished to defer determination, they should be clear on the reasons.

In response to a Member's comment about the width of the roads, the Planning Team Leader said that the developer would ensure that the roads would be a uniform width and all would be constructed to adoptable standards.

The Chairman remarked that there seemed to be a lot of issues that required refinement and he proposed that determination of the application be deferred to allow them to be addressed. This was a very large scheme and Bloor had done a very good job, but the proposal needed fine tuning. The

Planning Manager added that she wanted the reserved matters to come back before the Committee so that Members could focus on the update of the issues.

The motion for deferral was seconded by Councillor Jones and when put to the vote,

It was resolved unanimously:

That consideration of planning application reference 19/00447/RMM be DEFERRED for the following reason:

- Plots 116 and 117 need to be revisited.

There followed a short break between 4.57pm and 5.12pm.

54. 19/00754/OUM – SITE NORTH OF 196 – 204 MAIN STREET, WITCHFORD

Andrew Phillips, Planning Team Leader, presented a report (reference U105, previously circulated) which sought outline planning permission with only details of a single access onto Main Street, to allow for up to 44 dwellings; all other matters were reserved for future reserved matters applications.

The proposal also included public open space, sustainable drainage systems and other associated infrastructure.

The site was an open field located outside of the village framework and was between Main Street and the A142. Public Rights of Way (PRoW) defined the northern and western boundary, and Main Street was located to the south. There were several residential properties located adjacent to the southern boundary of the site and to the east was another open field.

It was noted that the application had been called in to Planning Committee by the Ward Members in order for it to have the public benefit of a Committee hearing.

A number of illustrations were displayed at the meeting, including a site location map, aerial photograph, a plan of the access to the proposal and an indicative layout of the proposal.

The main considerations in the determination of the application were:

- Principle of Development;
- Highway Impact and Parking;
- Residential Amenity;
- Visual Amenity;
- Housing Mix;

- Flood Risk and Drainage; and
- S106/Contributions.

The Council was currently unable to demonstrate an adequate five year housing supply and therefore applications were being assessed on the basis of presumption in favour of development unless there were any adverse impacts in doing so.

The Witchford Neighbourhood Plan was still at the early stages of preparation and therefore only limited weight could be applied to it. However, the Landscape Appraisal Final Report December 2018, prepared by a Chartered Landscape Architect, was considered to have significant weight in the determination of this application.

It was noted that during the application, the developer had reduced the number of access points onto Main Street from two to one in order to overcome the highway safety concerns raised by the LHA. The access was a 5.5 metre road with a 2 metre footway on the eastern side. Normally two footpaths were sought, but with the developer seeking to minimise the impact on 198 Main Street, and most people likely to be walking eastwards into the village, in this case a single footpath was acceptable.

Historically the County Council Highways Authority had underestimated the impact that the developments of North Ely and Lancaster Way would jointly have on the Witchford Road/A10 roundabout. The A142/Witchford Road 'Lancaster Way' roundabout is covered by CIL and the Councils were working with developers to overcome this problem.

In connection with residential amenity, the developer had maintained gaps between the highway and nos 196 and 198 Main Street. This would allow landscaping on both sides of the road and suitable boundary treatments to minimise the impacts of the proposal on these two properties.

It was considered that a future reserved matters application should easily be able to accommodate dwellings that prevented any significant harm to these properties, with sufficient set back distances and compliance with the Design Guide SPD. Subject to a well-considered layout, design and scale, the proposal would not have any detrimental impact on the residential amenity of other nearby properties.

The Planning Team Leader reiterated that the Landscape Appraisal Final Report considered the site to be within the character area of 'Common Side' where housing was mainly cul de sacs and gave importance to the historic lanes. The northern village edge was set back from the A142 by 'unkempt' land, which the proposed scheme would maintain through the indicative open space.

Members were reminded that the level of affordable housing would be 30%, with a split of 77% rented and 23% shared ownership and this would be secured in a S106 Agreement. At a reserved matters stage, fewer four

bedroom dwellings would be sought and more two bedroom properties promoted.

The site was fully located within Flood Zone 1, though some of it was liable to surface water flooding, primarily along the eastern boundary. It met the sequential test of being in an area of low risk of flooding and was able to provide a layout to minimise long term impacts on property. Both the Lead Local Flood Authority and Anglian Water supported the proposal, subject to conditions.

In terms of S106 contributions, the proposal was expected to provide Public Open Space/SuDS provision and maintenance and waste bin provision. Early years/primary education would be negotiated but would depend on the County Council finding a suitable project. Secondary education and adult learning (library provision) would also be negotiated and secured as part of a S106.

Other matters such as archaeology, ecology and fire hydrants would be secured by conditions.

The Planning Team Leader concluded by saying that on balance, the application was recommended for approval, subject to conditions and a S106 Agreement.

At the invitation of the Chairman, Mrs Alison Mackenzie addressed the Committee and made the following remarks:

- She lived at 198 Main Street and the site access would be only 75cms from her property and run along the entire length of her garden. This would deny her enjoyment of her amenity;
- The headlights and brake lights from vehicles would cause a nuisance because her property would catch car lights from all angles;
- Noise and pollution would also impact her amenity

Main Street was a cut-through. There was an alternative access via Marroway Lane and other byways, so why were this not considered, along with the impact on residents?

In response to a question from a Member, Ms Mackenzie confirmed that she had no objection to the houses, only the access to the site.

At the invitation of the Chairman, Ms Dawn Adams, Planning Manager for the applicant, addressed the Committee and made the following points:

- There had been detailed engagement, the applicant had worked openly and positively and listened to the concerns raised and made changes where possible;

- A number of planning permissions have been granted in Witchford, but it was sustainable and attractive and this application had been assessed and supported by the Officer in the context of the existing permissions;
- The applicant was happy to accept Condition 2 for a time limit of 2 years;
- Witchford Parish Council was willing to meet with the developer and comment on the application. It was appreciated that the Neighbourhood Plan was progressing, but it had a significant way to go;
- Parish Council comments were included where possible;
- There were no technical objections to the proposal. There would be a significant area of new planting and the development was within easy walking distance to the village;
- In response to Ms Mackenzie's comment about an alternative access, this was considered but not progressed. The landscaping would be immediately adjacent to 198 Main Street to try and soften the impact.

A number of Members expressed concern about the impact of plant and lorries coming past No. 198 to access the site, and causing damage to the cottage. Ms Adams replied that while a temporary access could be looked at, the proposed access (as shown) was the most suitable. The Planning Team Leader added that addressing damage to the cottage was a civil matter but the hours of construction could be conditioned.

The Chairman noted that Ms Adams had said the developer had worked constructively with the Parish Council and yet it seemed to him that the Parish Council did not want this development. Ms Adams confirmed that the Parish Council did object, but the developer had met with the Parish Council who were willing to look at and comment on the application, but did not support the proposal.

At the invitation of the Chairman, Parish Councillor Ian Boylett addressed the Committee and read out the following prepared statement:

'Witchford Parish Council objects to the application and the recommendation of the Planning Officer and confirms all its reasons for objection set out previously to the Planning Officer.'

Additionally, the Parish Council advises Members that its Neighbourhood Plan is considerably more advanced than when the application was made. The Draft Neighbourhood Plan was subjected to Regulation 14 Consultation and the resulting Submission Version has been forwarded to ECDC for independent examination. ECDC has confirmed the Submission Version meets the statutory requirements and will now proceed to independent examination. ECDC has confirmed the 6 week publication period commenced 17th October 2019 and ends 28th November 2019. Examination is expected in

January 2020 with a referendum being held in the spring. I can confirm that Luke Hall MP, Minister for Local Government, in a written reply to a question stated that 'weight should be given to relevant policies in emerging plans, including neighbourhood plans, according to their stage of preparation'. The Parish Council therefore contends that its Neighbourhood Plan (Submission Version) should be given significant weight by Members when considering this application.

The National Planning Policy Framework (NPPF) includes (para: 11,14 & 48) that where a planning application conflicts with an up to date development plan, including a Neighbourhood Plan, permission should not normally be granted. It also states that a Neighbourhood Plan should contain policies and allocations to meet its identified housing requirements. The Neighbourhood Plan meets these requirements as evidenced by:

ECDC's acknowledgement that the Neighbourhood Plan allocations greatly exceed the housing requirement of 252 dwellings to be met during the period 2018/20131 by delivering 330 dwellings. This excludes any small-site infill developments.

Witchford is a village with limited employment opportunities and facilities supporting day to day living. It has an excellently run Post Office that has a very limited sales area and it advertises its service with the slogan 'Think Post Office not Supermarket'. Public transport services to the village are poor and therefore residents need to use their cars to travel to Ely for shopping. Traffic volumes through the village have long been an issue, particularly at peak times of the day. The Parish Council contends that further housing development during the plan period is not sustainable for Witchford.

The Parish Council informs Members that the application site falls outside the Neighbourhood Plan (Submission Version) development envelope and conflicts with the Witchford Landscape Character Assessment adopted as part of the Neighbourhood Plan. It also draws Members to the education assessment made by CCC, which states that the completion of the developments within the Neighbourhood Plan will not necessitate the creation of additional student places at Rackham Primary School or Witchford Village College, but would necessitate expansion should additional housing development be approved. This, in respect of Rackham Primary school, would require additional land to be obtained to enable expansion and land is not currently available.

In summary the Parish Council considers the status of its Neighbourhood Plan (Submission Version) is a significant factor, the application is unsustainable for a number of reasons previously advised to the Planning Officer and that the adverse impacts of the development would significantly and demonstrably outweigh the benefits.

The Parish Council asks Members to refuse the application'.

The point was made by a Member that the weight given to emerging plans had been a contention of this Committee and had been tested through appeals. Weight should be given at the appropriate point and the parameters

had been set by the Planning Inspectorate. He disagreed that any weight could be given to the Witchford Plan until it had been adopted.

Councillor Boylett was asked by Councillor Stubbs, a Ward Member, how people felt about the proposal and he said that the majority of local residents objected to it. It was outside the development area of the Local Plan 2015 and with any more development at that end of the village, the traffic would be untenable.

The Planning Team Leader reiterated that only a limited reliance could be placed on the Neighbourhood Plan, whereas the Landscape Appraisal carried some weight.

A Member asked if the noise mitigation in Condition 7 included 196 and 198 Main Street and was advised that it was for the new housing and road noise from the A142. Conditions 5, 6 and 8 were for the protection of existing residents.

Speaking as a local Member, Councillor Stubbs said she had kept an open mind about this application all along. While she was new to the area, she had a feeling about how people felt and she therefore wished to propose that the Officer's recommendation for approval be rejected. The Parish Council had been very proactive and she appreciated the effort that had gone into the Neighbourhood Plan because it took a lot of commitment and cost. She hoped that limited weight could be given to the Plan, backed up by the Landscape Appraisal.

Councillor Wilson seconded the motion, saying that the development would cause a traffic impact at this rural end of Witchford and he considered the access to be in totally in the wrong place.

There followed further debate during which a number of opposing views were put forward. The Chairman said he struggled to find the benefits of the scheme and would support refusal; he had called in the application because it was contentious. He also felt that Mrs Mackenzie's situation should be defended as she would be impacted by noise and pollution.

Another Member said Planning Officers and consultees were there to help the Committee make decisions. The Highways team had raised no objections, there was no impact regarding noise or pollution and no biodiversity impact. However, the access past 198 Main Street would impact on the resident and the development would impact on the beautiful, open countryside. Members should be mindful of the reasons for refusing the application to ensure that they are not putting the Authority in a position of having to pay costs if the application went to appeal and unreasonable reasons had been put forward.

The Planning Manager responded by saying that she understood Members' concerns about the impact on residential amenity and the character of the area, but they should be careful and consider the consultee responses. Based on consultee responses air pollution and highways safety would be extremely difficult to defend at appeal and she questioned where there was

evidence to support noise nuisance on the proposed dwellings, given the consultee response from Environmental Health.

The Committee returned to the motion for refusal which, when put to the vote, was declared carried, there being 10 votes for and 1 vote against. Whereupon,

It was resolved:

That planning application reference 19/00754/OUM be REFUSED for the following reasons:

- It will cause harm to the residential amenity of existing properties; and
- It will harm the character and appearance of the area.

55. 19/00966/OUM – LAND BETWEEN 27 AND 39 SUTTON ROAD, WITCHFORD

Barbara Greengrass, Planning Team Leader, presented a report (reference U106, previously circulated) which sought outline planning permission for up to 70 dwellings together with public open space, landscaping, highways and drainage infrastructure. All matters were reserved apart from means of access and the proposal was to provide for a central access point onto Sutton Road.

Members were asked to note the list of matters arising which was tabled at the meeting:

1) Amended reason for refusal:

The application site is located on undeveloped land at the western edge of the village of Witchford, which currently makes a positive contribution to the setting of the village and as an important gateway to the village. Due to the existing landscape features and topography, the site will be clearly visible. The proposal will further elongate the built form of the settlement, towards the A142, urbanising the edge of the village, which currently has a rural settlement fringe character. The area in the vicinity of the site forms a rural transitional zone between the main built up part of the settlement to the countryside beyond. The proposed development of this site in principle, and for up to 70 dwellings, is excessive and would not give rise to a sustainable form of development, by reason of the density of built form. This would result in significant and demonstrable harm to the setting of the village in this gateway location, and the character and appearance of the countryside, contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and the National Planning Policy Framework, which states that the planning system should contribute to protecting and enhancing the natural and built environment and recognising the intrinsic character and beauty of the countryside.

2) Four additional letters of objection:

One had been circulated to Members on request. The others raised no new issues which were not already covered in the report.

3) Letter from Anglian Water:

Confirms that Witchford WRC is able to receive the development flows within its current permit. Whilst it is recognised that with cumulative growth the WRC will exceed its current permit, the Water Cycle Study did not break down development in terms of build rate. Development will happen over a period of time and Anglian Water continually monitors growth. When a WRC exceeds capacity due to growth, Anglian Water liaise with the Environment Agency.

The site was located at the western edge of the settlement, close to the junction with the A142 and on the southern side of Sutton Road leading onto Main Street. It abutted the settlement boundary along its north east corner, with residential development situated to the north east corner fronting Sutton Road. Further west adjoining the site was the frontage development of Briery Farm. A new dwelling was currently under construction within the garden of 39 Sutton Road, immediately adjacent to the site. Two new bungalows were nearing completion on the opposite side of the road to the north of the site.

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

The main considerations in the determination of the application were:

- Principle of Development;
- Visual Impact;
- Residential Amenity;
- Access and Highway Safety;
- Flood Risk and Drainage; and
- Ecology and Archaeology.

With regard to the principle of development, the Authority was currently unable to demonstrate a five year supply of land for housing and therefore the presumption had to be in favour of sustainable development unless there were any adverse impacts in doing so.

As the Witchford Neighbourhood Plan was considered to be still at the early stages of preparation, only limited weight could be applied to it. However, the Landscape Appraisal Final report December 2018 had been prepared by a Chartered Landscape Architect to accompany and inform the Neighbourhood Plan, and was considered to have significant weight in the determination of this application.

Whilst the economic and social benefits of new housing would weigh in favour of this development, it was questionable whether it would satisfy the environmental dimension of sustainable development.

A number of sensitivities were identified in the Landscape Appraisal and it was clear that the development was not supported by the Appraisal. Although the site was bounded by a hedge along its frontage, it was not low lying with level topography; housing would be highly prominent and due to the rise in the landform, prominent against the skyline. The provision of a large residential development, in depth, in this location would be visually incongruous, prominent and intrusive in this open location and would not provide for a natural extension to the linear built form of this part of the village. It would detract from the rural and undeveloped character of this approach to the village, resulting in significant and demonstrable harm.

In connection with residential amenity, it was considered that an acceptable development could be designed at the reserved matters stage to ensure there were no adverse impacts on adjoining residents or future occupiers. While there would be an increase in noise and disturbance from the increase in traffic, the vicinity of the site was already impacted by road traffic noise from the A142, so it was not considered that this would cause a significant adverse effect.

The new access was situated in the middle of the site and its creation would involve the culverting the frontage ditch and removal of a section of frontage hedge. The application was accompanied by a Transport Statement which concluded that the development could be accommodated without significant impact upon the existing highway network. A Travel Plan had also been produced which sought to encourage sustainable forms of transport, walking and cycling.

Members noted that the detailed design of the access was acceptable to County Highways and the Transport Team accepted the findings of the Transport Statement subject to the mitigation measures as set out in paragraph 10.4 of the Officer's report.

Speaking next of flood risk and drainage, the Planning Team Leader said that Anglian Water had been consulted on the application and were satisfied that an upgrade of the Witchford Waste Recycling Centre (WRC) would not be required as part of the development.

The Flood Risk Assessment demonstrated that the development would not lead to greater risks of flooding either on or off site. The Lead Local Flood Authority was content that the proposed scheme was acceptable and the scheme was therefore considered to comply with policy.

The application was accompanied by a Preliminary Ecology Appraisal which concluded that there was no evidence to suggest any over-riding ecological constraints to the current proposals. Biodiversity improvements to the site could be secured by condition.

The Historic Environment Team were satisfied that archaeological investigations could be secured by condition.

It was noted that the applicant had agreed to provide 30% affordable housing, in compliance with Policy HOU3, and an education contribution would be sought for early years, primary and secondary school places.

The Planning Team Leader concluded by saying that while the proposed housing would contribute to the District's housing shortfall, it was considered that the scheme did not represent a sustainable form of development. It would create a prominent and urbanising intrusion causing significant and demonstrable harm to the character of the countryside and this edge of settlement location. The application was therefore recommended for refusal.

At the invitation of the Chairman, Mr Stuart Braybrooke addressed the Committee and made the following comments:

- He had lived in Witchford for 27 years and was here to represent residents of the village;
- The objections received were an indication of the strength of feeling in the wider community;
- This was a gateway location and Policy ENV1 stated that it should be protected. It was a beautiful green area, so how could 70 lumps of concrete make it more beautiful?
- This entrance to the village currently only had 7 dwellings next to it, so the development would be completely out of keeping;
- The site would be highly incongruous in this elevated location and would sprawl into the countryside;
- The Landscape Appraisal had been produced by a chartered landscape architect and it put forward that new housing on the south edge of the village should be avoided, as should low scale buildings, grassland and manufactured road layouts;
- Housing stock had been mentioned in the Neighbourhood Plan. Witchford had already taken 330 new dwellings, therefore no more were needed;
- The development would be a mile from the village centre, the bus services were poor and there was risk of flooding. Residents' gardens already flooded in the winter;
- The schools were oversubscribed;
- Sustainability issues had not been addressed;

- The Committee should refuse this incongruous annexe to the village.

At the invitation of the Chairman, Ms Lydia Voyias, agent for the applicant, addressed the Committee and made the following points:

- The applicant was seeking outline permission for a scheme that would enhance the vitality of Witchford;
- The proposal addressed the housing shortfall and would make a valuable contribution to the District's land supply and would provide 30% affordable housing;
- All areas had been agreed except the visual impact, and the site was not subject to any specific landscape strategy;
- The proposed development would have landscaping and tree planting to create a soft edge;
- There would be an opportunity for orchard planting;
- It would be a gateway development and will not significantly and demonstrably harm the area
- The applicant would make a financial contribution to highways and education and bus stops;
- The Neighbourhood Plan had not been examined or endorsed and should therefore carry only limited weight;
- There were no known constraints regarding deliverability. The presumption should be in favour of sustainable development and outline permission should be granted.

A Member wished to know how much the proposal was supported by the local community. Ms Voyias replied that there was not much support, in fact the scheme had largely been met with objections. In response to another question about sustainability, she explained the three elements, as set out in the NPPF; 21 affordable dwellings would be in accord with the social element and the economic aspect would be fulfilled during the construction phase. The environmental benefits would bring increased planting and bird and bat boxes.

At the invitation of the Chairman, Parish Councillor Ian Boylett addressed the Committee and read out the following prepared statement:

'Witchford Parish Council supports the Planning Officer's recommendation to refuse the application and confirms all its reasons for objection set out previously to the Planning Officer. Mr Braybrooke's presentation is also acknowledged.'

Additionally, the Parish Council advises Members that its Neighbourhood Plan is considerably more advanced than when the application was made. The

Draft Neighbourhood Plan was subjected to Regulation 14 Consultation and the resulting Submission Version has been forwarded to ECDC for independent examination. ECDC has confirmed the Submission Version meets the statutory requirements and will now proceed to independent examination. ECDC has confirmed the 6 week publication period commenced 17th October 2019 and ends 28th November 2019. Examination is expected in January 2020 with a referendum being held in the spring. I can confirm that Luke Hall MP, Minister for Local Government, in a written reply to a question stated that 'weight should be given to relevant policies in emerging plans, including neighbourhood plans, according to their stage of preparation'. The Parish Council therefore contends that its Neighbourhood Plan (Submission Version) should be given significant weight by Members when considering this application.

The National Planning Policy Framework (NPPF) includes (para: 11,14 & 48) that where a planning application conflicts with an up to date development plan, including a Neighbourhood Plan, permission should not normally be granted. It also states that a Neighbourhood Plan should contain policies and allocations to meet its identified housing requirements. The Neighbourhood Plan meets these requirements as evidenced by:

ECDC's acknowledgement that the Neighbourhood Plan allocations greatly exceed the housing requirement of 252 dwellings to be met during the period 2018/20131 by delivering 330 dwellings. This excludes any small-site infill developments. The Parish Council contends that further housing development during the Plan period is not sustainable for Witchford.

The Parish Council advises Members that the application site falls outside the Neighbourhood Plan (Submission Version) development envelope and conflicts with the Witchford Landscape Character Assessment adopted as part of the Neighbourhood Plan. It also draws Members to the education assessment made by CCC, which states that the completion of the developments within the Neighbourhood Plan will not necessitate the creation of additional student places at Rackham Primary School or Witchford Village College but would necessitate expansion should additional housing development be approved. This, in respect of Rackham Primary school, would require additional land to be obtained to enable expansion.

In summary the Parish Council considers the status of its Neighbourhood Plan (Submission Version) is a significant factor, the application is unsustainable for a number of reasons previously advised to the Planning Officer and set out in The Planning Officer's recommendation. Also that the adverse impacts of the development would significantly and demonstrably outweigh the benefits.

The Parish Council asks Members to accept the Planning Officer's recommendation to refuse the application.'

Councillor Boylett was asked if the Parish Council knew which additional land would need to be acquired by the County Council for education. He replied that it was near the primary school; the application had been refused but had gone to appeal.

At the invitation of the Chairman, Councillor Lorna Dupré addressed the Committee in her capacity as a County Council Member and made the following remarks:

- As the District Members, being Chairman and Vice Chairman of the Committee, would not be speaking on this item, she had been approached by several local residents to represent them in support of the Officer's recommendation for refusal;
- Objections were based on the gateway location of the site because it was an important transition area;
- The proposal was contrary to Policy ENV1 and ENV2. It was not supported by the Landscape Appraisal and was opposed by Witchford Parish Council;
- She hoped that the Committee had watched Mr Braybrooke's video;
- The scheme gave no evidence of sustainability, it was located on the wrong side of Ely and was outside the development envelope;
- This was inappropriate intensification because Witchford had over 330 completions and approvals;
- There was a risk of flooding and the development would reduce the available green space;
- Manor Oak's interest in the site was not long term;
- She requested the Committee refuse the application.

Making reference to Councillor Dupré's written submission, Councillor Brown said he had found some of her comments inappropriate. He had bitter experience of disqualifying himself from an application where he was pre-determined and he believed the best way was for Members to take part and vote and not disqualify themselves.

Councillor Dupré responded by saying that it was important for her to make clear why she was speaking. This was not something she would do as a matter of course; she had been approached by local residents who wanted representation at the meeting.

The Chairman said that Members always welcomed information from residents. He and Councillor Stubbs had been subjected to a relentless blizzard of communications, some of which had been upsetting and was of no credit to the authors. It was disgraceful but had not influenced them.

The Chairman duly proposed that the Officer's recommendation for refusal, as amended, be supported.

He had lived in the area for well over 70 years and was well aware of the speed limits and stick-outs. The location was a clear gateway to the village and development would cause significant and demonstrable harm to the character of the area. The junction would become more dangerous and he believed the location should stay as a food producing area. The Parish Council had worked hard on the Neighbourhood Plan.

The motion for refusal was seconded by Councillor Stubbs and when put to the vote:

It was resolved unanimously:

That planning application reference 19/00966/OUM be REFUSED for the reasons given in the Officer's report.

56. 19/01030/FUL – LAND ADJACENT TO 58 WEST STREET, ISLEHAM

Rachel Forbes, Planning Officer, presented a report (reference U107, previously circulated) which sought planning permission for a four bedroom detached dwelling with new vehicular access and associated works.

The application site formed part of the existing residential garden area at 58 West Street and would be accessed from West Street through an existing private drive between 54 and 56 West Street. To the south east were single storey bungalows in modest plots which fronted West Street. To the north-west were numbers 58 and 58a, and to the east of the site was a private drive which was lined with TPO trees.

It was noted that the application had been called in to Committee by Councillor Julia Huffer as she considered the application to be worthy of a wider discussion.

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

The main considerations in the determination of the application were:

- Principle of development;
- Visual amenity;
- Residential amenity;
- Highway safety and parking;
- Historic Environment;
- Ecology and trees; and

- Flood risk and drainage.

The Planning Officer summarised the history of the site, which included four previous applications. Three had been approved and one had been refused with a subsequent appeal being dismissed.

With regard to the principle of development, the Authority was currently unable to demonstrate a five year supply of land for housing and therefore the presumption had to be in favour of sustainable development unless there were any adverse impacts in doing so.

The site was outside of but adjacent to the development framework boundary and located within existing residential development. It was within a 10 minute walk to the services and amenities on offer in the village and was therefore considered to be in a sustainable location.

With regard to visual impact, it was considered that the proposed dwelling did not relate well to its surroundings due to its orientation. The introduction of a third dwelling would result in an unbalanced appearance and erode the symmetry between the existing two plots. This had been the conclusion of the Planning Inspector when considering the appeal on planning application 17/00896/OUT.

The proposal would not result in a significant impact on the adjacent neighbours and the plot size and amenity space was considered to be adequate. However, insufficient distance was provided between the direct facing windows on the side elevation of the proposed dwelling and the windows on the rear elevation of 56 West Street.

The County Council Archaeology Team had been consulted as part of the application and had commented that previous investigations had overlapped part of this site. There might be limited additional information to be gained by further evaluation trenching, but it was debateable whether it could be justified under the terms of the NPPF. It was considered that it would be unreasonable to impose a condition for further investigation.

Given the presence of the dwellings to the north of the site and the separation distance between the proposed dwelling and the listed buildings, it was considered that the proposal would not result in harm to the setting of the listed building.

It was noted that the Local Highways Authority had raised no objection in principle to the scheme. The development would benefit from an existing access with the highway and there would be sufficient space on site for parking and turning.

No ecological assessment had been submitted and the application form stated that there was not a reasonable likelihood of protected or priority species, designated sites or geological features being affected by the proposed development. It was considered under application 14/00309/FUL that the proposal was unlikely to result in any adverse impact to biodiversity or protected species given the location of the site. The TPO trees were to be

retained and there would be new planting of trees and hedgerow to provide biodiversity enhancements.

The Planning Officer concluded by saying that the proposal was considered to result in harm to the character and appearance of the area, as it would erode the existing symmetry and spacious character of the two existing dwellings. It did not relate well to its surroundings due to its orientation and would result in significant harm to residential amenity due to a direct overlooking impact. The application was therefore recommended for refusal.

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

- The Parish Council had not objected to the proposal and neither had the Highways Authority or the neighbours;
- The character of this part of the village had changed over the years and backland development had been allowed for some properties;
- The orientation of the dwelling, when viewed from West Street, would not be out of keeping;
- The window in the side elevation was for the bathroom and could be fixed and obscure glazed, so there would be no direct views;
- The Design Guide was just a guide;
- The proposal would be a much more efficient use of the land, which had been left to the family;
- Development in sustainable locations should be approved and this scheme would not cause the harm alluded to.

A number of Members were of the view that the application should be granted approval. The Parish Council and local community had not raised any objections and if one looked to the west of the site, development was happening there. The Case Officer had based her recommendation on planning reasons and said that the application should be refused, only if it caused significant and demonstrable harm, but to whom was the proposal causing harm? This dwelling would have its own access and would be the last one on the site

Other Members took an opposing view, saying that an almost identical application for another house had been dismissed at appeal. The area was not replete with houses and it should stay that way because adding a further house would continue development. The Committee should give significant weight to the Planning Inspector's view and refuse permission.

The Chairman reiterated that planning officers were professionals who had undergone much training and Members should take note of their advice.

Today's decision would have an impact for many hundreds of years; this Lane was special and the application should be refused.

It was duly proposed by Councillor Trapp and seconded by the Chairman that the Officer's recommendation for refusal be supported. When put to the vote the motion was declared lost, there being 5 votes for and 6 votes against.

It was next proposed by Councillor Brown and duly seconded that the application be granted approval. When put to the vote, the motion was declared carried, there being 6 votes for and 5 votes against. Whereupon,

It was resolved:

That planning application reference 19/01030/FUL be APPROVED for the following reasons:

- It is in a sustainable location;
- It will not cause significant harm; and
- With the imposition of suitable conditions it would not have an adverse impact on amenity.

It was further resolved:

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

57. PLANNING PERFORMANCE REPORT – SEPTEMBER 2019

The Planning Manager presented a report (reference U108, previously circulated) which summarised the planning performance figures for September 2019.

It was noted that the Department had received a total of 203 applications during September 2019, which was a 17% increase on September 2018 (174) and a 4% decrease from August 2019 (196).

The Planning Manager said that 8 valid appeals had been received, and 2 had been determined, with both having been allowed.

Councillor Brown congratulated the Planning Manager and her team for all their hard work.

Councillor Ambrose Smith wished to know if Enforcement was still struggling with the heavy workload. The Planning Manager replied that a new Officer was settling in post, but the team was getting there.

Councillor Schumann wondered if the targets for DIS/NMA were overly ambitious and suggested that the Chairman should meet with the Planning

Manager to set more appropriate levels. The Planning Manager said she would be happy to have discussions, adding that archaeology and contamination matters often took a long time to resolve.

It was resolved:

That the Planning Performance Report for September 2019 be noted.

58. EXCLUSION OF THE PRESS AND PUBLIC

It was resolved:

That the press and public be excluded during the consideration of the remaining item no. 15 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 Categories 2 & 6 of Part I Schedule 12A to the Local Government Act 1972 (as amended).”

59. EXEMPT MINUTES – 2ND OCTOBER 2019

The Committee received the exempt minutes of the Planning Committee meeting held on 2nd October 2019.

The Planning Manager provided Members with an update on the non-compliance Notice, saying that a company had been instructed to take the matter forward and a provisional date of either 12th or 19th November 2019 had been agreed.

The subjects of the Notice had been informed and Enforcement was now working with the Press team and the Chairman of Planning Committee. It was not the intention to be on the defensive, but rather to look after the other local residents and improve their amenity.

A Member asked if at some point the neighbours would be informed of what was going on and if Members could speak of it. The Planning Manager said they could say that action was to be taken and the Legal Services Manager advised that they should not disclose any specific detail at this point.

It was resolved:

That the Exempt Minutes of the meeting of the Planning Committee held on 2nd October 2019 be confirmed as a correct record and signed by the Chairman.

The meeting closed at 7.21pm.