



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

### **AGENDA ITEM NO 3**

Minutes of a meeting of the Planning Committee held at 2:00pm on Wednesday 8<sup>th</sup> June 2022 in the Council Chamber at The Grange, Nutholt Lane, Ely, CB7 4EE.

#### **PRESENT**

Cllr Christine Ambrose Smith  
Cllr Sue Austen  
Cllr David Brown  
Cllr Matthew Downey  
Cllr Bill Hunt (Chairman)  
Cllr Julia Huffer (Substitute for Cllr Lis Every)  
Cllr Alec Jones  
Cllr Lisa Stubbs (Vice-Chairman)  
Cllr John Trapp  
Cllr Gareth Wilson

#### **OFFICERS**

Rebecca Saunt – Planning Manager  
Maggie Camp – Legal Services Manager  
Caroline Evans – Democratic Services Officer  
Toni Hylton – Senior Planning Officer  
Anne James – Planning Consultant  
Catherine Looper – Senior Planning Officer  
Andrew Phillips – Planning Team Leader  
Angela Tyrrell – Senior Legal Assistant

#### **IN ATTENDANCE**

Parish Cllr Ian Boylett (Witchford Parish Council Chairman,  
Agenda Item 6 / Minute 6)  
Andrew Fleet (Applicant's Agent, Agenda Item 7 / Minute 7)  
Antony Kintish (Supporter, Agenda Item 5 / Minute 5)  
Jake Stentiford (Applicant's Agent, Agenda Item 6 / Minute 6)  
Adam Tuck (Applicant's Agent, Agenda Item 5 / Minute 5)  
Cllr Alan Sharp (Agenda Item 5 / Minute 5)  
Lucy Flintham – Office Team Leader, Development Services  
Bradie Goodman – Local Land Charges and Legal Support  
Officer  
Sarah Parisi – Senior Support Officer  
Cassy Paterson – Planning Officer  
Melanie Wright – Communications Officer  
Adeel Younis – Legal Assistant

Prior to the commencement of the meeting the Chairman informed Members of the recent death of former District Councillor Mike Rouse who had been a prominent and valued member of the Planning Committee during his time as a District Councillor.

He had served his community for very many years including being elected to the County Council, the District Council and the City of Ely Council, as well as being a member of various community organisations. All those present then stood to observe a minute's silence as a mark of respect for former Councillor Rouse.

**1. APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Cllrs Lavinia Edwards and Lis Every.

Cllr Julia Huffer was attending as a substitute for Cllr Every.

**2. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**3. MINUTES**

The Committee received the Minutes of the meetings held on 4<sup>th</sup> May and 19<sup>th</sup> May 2022.

It was resolved:

That the Minutes of the Planning Committee meetings held on 4<sup>th</sup> May and 19<sup>th</sup> May 2022 be confirmed as a correct record and be signed by the Chairman.

**4. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman congratulate Cassy Paterson on her recent promotion from Planning Assistant to Planning Officer, and welcomed Adeel Younis who had recently joined the Council as a Legal Assistant.

**5. 21/01055/RMM – HOME OFFICE BUNGALOWS, LITTLE GREEN, CHEVELEY**

Anne James, Planning Consultant, presented a report (X7, previously circulated) recommending approval of a reserved matters application for the appearance, landscaping, layout and scale for 22 dwellings following the demolition of six bungalows associated with the outline approval of 19/00767/OUM. The proposal was for 4 x 5-bedroom houses, 6 x 4-bedroom houses, 5 x 3-bedroom houses, 3 x 2-bedroom houses, 2 x 2-bedroom bungalows and 2 x 1-bedroom flats.

Members' attention was drawn to information on the update sheet circulated earlier in the week, explaining that the Murfet Group (the applicants) had no further involvement with the site since receivers had been appointed for the business. This would have no bearing on the planning decision to be made since planning permissions were associated with the land rather than the owner. The Planning Consultant additionally clarified that the percentage of affordable housing had been considered in detail and agreed in the outline planning permission. Vacant building credit – a Government initiative to promote development on brownfield sites – had been applied for in respect of the existing six dwellings on-site and had been granted for four of the buildings, with the other two considered not to be derelict. Therefore, of the 22 proposed homes, only 18 were included in the affordable housing calculation, and hence five affordable homes were needed.

Members were shown a site plan, aerial site image, and site photographs illustrating the dilapidated and overgrown nature of the site and its location between a commercial development (to the north) and Hobbs Warren (to the south) with Little Green along the eastern boundary.

The main considerations for the application were deemed to be:

- **Principle of development** – the principle of development had been established upon the granting of outline planning permission and no issues had been identified to render it no longer acceptable.
- **Housing mix and layout** – the site layout had not significantly altered since the outline application was approved, although the number of bungalows had been reduced to two. The scheme was considered to include a good mix of dwelling sizes.
- **Residential amenity** – the scheme had been amended to support the residential amenity of the existing neighbour at 7 Home Office Bungalows by introducing a bungalow as its nearest neighbour, and was therefore considered to provide an acceptable standard of living for the existing occupants. The scheme had also been amended in response to concerns raised about the potential overshadowing of new plots due to the proximity of the existing trees. The amended scheme was considered to allow adequate sunlight and daylight penetration for future occupants of the proposed dwellings.
- **Visual amenity** – the Hobbs Warren development to the south of the application site now marked the edge of the village and the new development would result in a continuous frontage from Hobbs Warren to the commercial site to the north, integrating the new development with the nature of existing development in the area. An image was provided to illustrate the potential streetscene along the relevant section of Little Green. Floorplans and elevations for each house type were also shown.
- **Highways and parking** – the existing site access would be retained and had been agreed as part of the outline application. Adequate allocated and unallocated parking had been provided and a swept-path analysis had indicated that vehicles could service the site. Since the site layout would not be to adoptable standards further details regarding roads and footways as well as the future management and maintenance of the internal road layout would be required by condition.
- **Ecology and biodiversity** – the site was considered to be of “low relative ecological and nature conservation value” at the outline stage. A Bat Presence Assessment Report had concluded that there was no evidence of bats using the existing buildings. A number of trees would be removed and a replacement scheme had been proposed. A 10% biodiversity net gain would not be achieved on-site but public open space would be delivered off-site and further details of biodiversity improvements would be submitted in accordance with a condition on the outline approval.
- **Flooding and drainage** – flooding and drainage along Little Green had been a significant issue raised in response to the consultation, and had been a reason for Councillor Sharp’s call-in request for the application to be determined by the Committee. The drainage proposal at the outline stage had included an attenuation basin whereas the current application utilised an attenuation tank. Existing channels would feed into an existing drainage ditch on the opposite side of Little Green. A site map of the proposed drainage scheme was shown to Members to illustrate the intended location of the attenuation tank and other drainage elements, including the use of permeable surface material on parking areas, footways and roads.
- **Other matters** – regarding sustainability and energy efficiency, sufficient information had been submitted with the proposal to satisfy the Building

Control Department and meet the requirements to discharge condition 18 of the outline planning permission (19/00767/OUM).

In summary, there was a presumption in favour of sustainable development and the principle of development was considered acceptable at the outline stage. The application was therefore recommended for approval.

On the invitation of the Chairman, the Democratic Services Officer read aloud the following statement on behalf of Alicia Taylor, an objector to the application:

“As a resident of Cheveley, and neighbour of the Home Office Bungalows site, I object to the last three iterations of the plans for its development for the following reasons:

1) The road in front of the development frequently floods and as recently as 5th March, 2022. Flooding occurs on Oak Lane both outside the Chelton site and at Hobbs Warren, which are located to each side of the proposed development. This road is treacherous in poor weather conditions and the proposed high-density housing will increase surface runoff, exacerbating this issue and causing a serious hazard for local residents. This will certainly be felt severely by residents of nearby Hobbs Warren, for whom the pavement is frequently impassable during the winter impeding access to local services such as the school. The deep road flooding makes vehicular access difficult and dangerous. Access to the Chelton site is also compromised.

The proposed minor changes to the drainage layout will have little impact on reducing runoff to an overloaded water system that is insufficient to deal with the current drainage needs. The sheer density of housing, combined with the lack of open spaces and surface drainage ponds and ditches, is too much for an area which frequently floods prior to any further development.

2) The development still does not have an appropriate mix of housing types; the original proposition had six bungalows and the latest plans only switch out two of the three-bed homes for bungalows and retains the larger houses which were added as an amendment to the original approved plans. This will do little to ensure a balance of demographic groups in this new community.

3) The density of housing will impact the concentration of traffic on the local narrow country lanes which are already heavily used by cars, tractors, horse boxes and indeed pedestrians, due to the lack of pavements along Oak Lane.

4) The proposed high-density housing, with shifted emphasis towards large 4/5-bedroom family homes, will burden the oversubscribed village school.

Thank you for considering my objections in your decision regarding the revisions made to this planning application.”

The applicant’s agent, Adam Tuck, was then invited by the Chairman to address the Committee. He thanked the Planning Consultant for her report and constructive dialogue and stated that since July 2021 he had worked with her to address comments and concerns raised. The scale of some of the properties had been reduced and all had been designed for flexible lifelong accommodation. The overall

layout remained generally in line with the outline approval although some amendments had been made to the details. The outline planning permission had established that 22 dwellings would be acceptable, and had also approved the drainage strategy. He was aware of local concerns regarding drainage and flooding but emphasised that the reserved matters application and detailed drainage information had satisfied the Lead Local Flood Authority that the development would not increase the risk of surface water flooding, and he suggested that it could in fact improve the current drainage of the site by capturing the surface water and discharging it at a very low rate. The site drainage would be maintained by the management company. He considered that the proposal was for attractive high-quality family homes, including five affordable homes for local people, and he urged the Committee to approve the application. He also introduced Antony Kintish who was acting as the receiver for the original applicant and was available to answer questions from Members.

Cllr Trapp commented that he considered the site to be of quite high density and he questioned the provision of only two parking spaces for each 5-bedroom dwelling. He also noted the parking provision for the affordable dwellings and asked how car charging points, or provision to install them, could be provided for each dwelling rather than a communal point since it would be socially divisive for the open-market housing to have the option of individual charging points and the affordable housing not. The agent replied that the 5-bedroom dwellings and their parking provision had been designed in accordance with the requirements of the Local Plan, and whether charging points would be provided for the affordable housing would be at the discretion of the affordable provider. The receiver added that conduits from the properties to individual parking spaces would be possible. At the request of the Chairman, the Planning Manager explained that the addition of a condition regarding the provision of electric car charging points would be at the discretion of Members; it was a policy within the Fordham Neighbourhood Plan but not elsewhere in the District, although referenced in the Climate Change SPD. In response to a question from Cllr Huffer, who supported Cllr Trapp's comments regarding charging points, the receiver suggested that each affordable home could be allocated a parking space and a conduit be provided between the dwelling and the parking space in order that car charging would be possible.

The Chairman then invited the Ward Member, Cllr Alan Sharp, to address the Committee. Cllr Sharp stated that the village was in broad agreement about development on the site, and it had been included in the emerging Neighbourhood Plan. However, the original application had included a better balance of properties, with more of the smaller homes that would enable families to remain in the village. There had been some concerns regarding the developer who had bought the land after the outline permission had been granted, and with whom there had been negative and ongoing issues regarding developments elsewhere in the Ward, including problems with the drainage provided. Those concerns were now reduced following the news that the developer would have no further involvement with the site. The proposal included collection of surface water *via* a permeable surface, draining to a collection point at the junction of the site and Little Green before travelling in pipework under the road to discharge in a private ditch on the opposite side of the road that was owned by one of the studs. Drainage issues were a concern due to the area being very susceptible to flooding. In particular, since the construction of the Hobbs Warren properties, the road completely flooded after any heavy rainfall and the flooding was concentrated close to the proposed site

entrance. A meeting had been held on-site the previous day with experts from the County Council and there were various efforts underway to provide a workable and sustainable solution to the existing problem, but the Committee was urged to include flood and drainage conditions if minded to approve the application.

Cllr Trapp asked whether the principal concern about the drainage was to ensure that the existing drainage issues on the road were not exacerbated by the development. Cllr Sharp agreed that the main local concern was that run-off from the site would worsen the existing problem. He added that it was possible that the proposed permeable surface could improve the situation since there was currently a considerable amount of concrete on the site.

The Chairman invited further comments from the Case Officer and then questions for her from Members. The Planning Consultant reiterated that the Lead Local Flood Authority had removed its objections after receiving additional information, and added that the detailed drainage condition (condition 14) of the outline permission would need to be varied in line with the revised drainage plans.

Cllr Brown queried the earlier mention of a biodiversity condition and the Planning Consultant explained that an appropriate condition had been included in the outline approval. The Planning Manager agreed with Cllr Brown's request that future reports on reserved matters applications for consideration by the Committee should include the conditions of the outline permission.

Cllr Downey asked for an explanation of the affordable housing calculation, since the requirement for five affordable homes was 30% of 18 rather than 30% of 22. The Planning Consultant explained that paragraph 63 of the NPPF 2019 included provision for vacant building credit to encourage development of brownfield sites. The calculation for this site had been agreed with the Housing Officer. In response to a related question from Cllr Trapp she explained that, at the time that the calculations were agreed for the outline permission, it had been considered that two of the six existing bungalows were in a condition that could be kept in residential use, and four were not. Cllr Trapp also asked whether there would be a footpath from the site and the Planning Consultant explained that the outline permission included a condition regarding a footpath that would connect to the footpath from Hobbs Warren.

The Planning Manager reminded Members that the affordable housing requirement had been agreed in the outline permission and secured in the S106 agreement so was not a matter for consideration in determining the reserved matters application for the design and layout of the site.

The Chairman then opened the debate. Cllr Huffer commented that the site was large and would contain a good mix of housing in a reasonable layout. Although she would have preferred the affordable housing to be scattered throughout the site she understood the reasoning for the proposed grouping. She proposed that the application be approved in line with the Officer's recommendation and Cllr Hunt seconded the proposal. The proposer and seconder agreed that an additional condition should be imposed regarding the provision of car charging points. Cllrs Brown and Jones also expressed their support for the application.

Cllr Downey explained that he was not opposed to development of the site in principle but was disappointed by the affordable housing provision. In particular, due to the overall increased size of market dwellings in the reserved matters application as compared with the outline permission, a greater percentage of the bedrooms in the original application had been affordable since local policy considered the proportion of dwellings rather than proportion of bedrooms that should be affordable. He added his support to the suggestion of a condition that would ensure charging points for the affordable homes as well as the market dwellings. Cllr Trapp reiterated the importance of charging point provision and expressed concern about the increase in size of the market dwellings, particularly the additional 5-bedroom properties, and the general inflation in property sizes that was routinely seen through the different stages of a planning application. He also suggested that a future Local Plan should recognise that larger affordable homes were needed in addition to small properties.

Cllr Ambrose Smith commented on the affordable housing, and her hope that advice had been sought regarding the need in the area. The Planning Consultant confirmed that the Housing Officer had agreed with the proposed mix on the site.

Cllr Hunt asked for advice from the Planning Manager regarding the proposed addition of a condition regarding car charging points. The Planning Manager explained that the usual procedure was to require a strategy to be submitted for the provision of car charging points. It was not considered reasonable to insist that all parking spaces had charging points because that may not be possible, therefore submission of a strategy would be required for Officers to assess. Cllr Huffer, as proposer of the Motion, reiterated the importance of the affordable housing having the same level of access to charging points as the market dwellings and the Planning Manager agreed that a note would be added to the file to ensure that Officers included that consideration in their assessment of the strategy when it was submitted.

It was resolved with 8 votes in favour, 0 votes against, and 2 abstentions:

That planning application ref 21/01055/RMM be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report and an additional condition requiring the submission of a scheme for the provision of electric car charging points for the site.

## **6. 21/01136/RMM – LAND NORTH OF MARROWAY LANE, WITCHFORD**

Toni Hylton, Senior Planning Officer, presented a report (X8, previously circulated) recommending approval of a reserved matters application for the erection of 40 affordable dwellings, ancillary infrastructure, public open space and drainage infrastructure following the demolition of the dilapidated farm buildings, all associated with the outline approval of 18/00778/OUM. She drew Members' attention to the information on the update sheet circulated earlier in the week, confirming that the Lead Local Flood Authority had no objection to the application, and reaffirming Witchford Parish Council's objection.

Members were shown a location plan, aerial view and site photographs to illustrate the site's position with a Hovis development to its east, the A142 to the north, and an award ditch at the southern boundary. A site layout plan showed the proposed

design with a cycle path to the north and a permissive path together with maintenance area retained along the award ditch at the south. A bund with acoustic fencing would be erected near the A142. The proposal was for 100% affordable housing, all of which would be semi-detached, with the following mix: 2 x 4-bedroom houses, 18 x 3-bedroom houses, 16 x 2-bedroom houses, and 4 x 1-bedroom maisonettes together with a total of 80 car parking spaces. Elevations and floor plans were shown for all property types

The main considerations for the application were deemed to be:

- **Principle of development** – the principle of development for 40 dwellings on the site had been established with the approval of the outline application 18/00778/OUM and the site was also allocated in the Witchford Neighbourhood Plan. The proposed density of housing (equivalent to 8 dwellings per acre or 18 dwellings per hectare) was in keeping with the character of the area and made efficient use of the land.
- **Residential amenity** – there would be no overlooking and all gardens were in excess of 50sqm. Conditions restricting additional windows and obscure glazing had been included to ensure the amenities of the adjoining neighbours would be protected for the future. The proposed development was therefore considered to comply with the Design Guide SPD and policies ENV1 and ENV2 in respect of residential amenity.
- **Noise** – a bund and acoustic fencing would be installed. A Noise Impact Assessment had been carried out and accepted by the Environmental Health Officer. Four dwellings would exceed but not at a level considered to cause harm and there were solutions available. A CEMP and working hours restriction had been imposed by condition on the outline approval. The proposed development was therefore considered to comply with policies ENV1, ENV2 and ENV9 in respect of noise.
- **Visual amenity** – a streetscene image was provided looking across the site to illustrate the proposed mix of designs, heights and materials. The proposed development was considered to comply with the Design Guide SPD and with policies ENV1, ENV2, LC1, H1 and H3 in respect of visual amenity.
- **Highway safety** – 80 parking spaces had been proposed, which was considered adequate, and the access was acceptable. No objections had been raised by the Local Highways Authority. The proposed development was therefore considered to comply with policies COM7 and COM8 in respect of highway safety.
- **Cycle/foot path** – the Witchford Neighbourhood Plan included a requirement to set aside land for the delivery of a west-east pedestrian and cycle spine route from Marroway Lane to Common Road through the southern part of the site. However, due to the presence of the award ditch in the south, and following detailed discussions between the agent and the Planning Manager, the developer had instead proposed a compromise that the lit and surfaced spine route would be provided to the north and the permissive path retained to the south. The maintenance requirements of the award ditch included de-silting the ditch and flailing the bank sides approximately every four years, and the resulting materials had to be spread adjacent to the ditch for biodiversity reasons, all of which would require space for machinery and would block a path in that location. The path would also need to be lit, which would have a detrimental effect on the biodiversity, and there was a health and safety concern about having a cycle path



adjacent to a ditch. Since the surfacing and lighting of a path near the award ditch would harm the biodiversity there it would consequently be contrary to the NPPF and policies ENV7 of the Local Plan and GI3 of the Witchford Neighbourhood Plan. A cycleway to the south would also fail to link with the cycleway on the adjacent site and would therefore be contrary to policy T1 of the Witchford Neighbourhood Plan because the connectivity would be lost. It was recognised that locating the cycleway to the north of the site rather than the south would be contrary to policy WFDH1B of the Witchford Neighbourhood Plan, but it was considered that on balance the provision of a cycleway to the north and permissive path to the south was an appropriate compromise.

In summary, the proposal would provide 100% affordable housing and a west-east pedestrian and cycle route. Highway safety and neighbours' amenity would be maintained. The application was therefore recommended for approval.

On the invitation of the Chairman, the applicant's agent, Jake Stentiford, addressed the Committee. He thanked the Officer for her report and stated that the applicant had worked extensively to amend the application in order to satisfy the technical consultees. The proposal included a high standard of design and would be of benefit to the community by virtue of its open space and its contribution to the west-east cycle/footpath route through the village. He had met with Officers and with a representative from the Parish Council several months earlier and had understood from that meeting that the proposal was generally acceptable, but unfortunately the Parish Council had continued to object to the lack of provision of a cycle route to the south. The applicant was pleased to be offering a fully affordable housing site and were keen to start construction in order to be providing homes for local people who needed them. He therefore urged the Committee to approve the application.

Cllr Wilson asked about the relative amounts of rented and shared ownership properties on the site. The agent explained that the housing provider would be Axiom Housing Association who generally provided a balance, and would work with them to ensure an appropriate distribution across the site. The homes would not all be offered as shared ownership properties.

Cllr Trapp commended the inclusion of much-needed 3-bedroom and 4-bedroom properties and asked for confirmation that the homes would be affordable in perpetuity. He also asked about the space needed to maintain the award ditch. The agent confirmed that the shared ownership properties would remain affordable in perpetuity, and the rental properties would remain in the ownership of the provider. The Planning Manager explained that maintenance of the award ditch was the responsibility of the Council, and the Open Spaces & Facilities Manager was satisfied with the plans.

Cllr Ambrose Smith questioned whether 80 parking spaces, equating to two per property, would be sufficient when considering car ownership levels, the potential for individuals to have a work van in addition to a car, and the increasing number of deliveries that households tended to receive. The agent responded that the scheme was policy-compliant and had been developed with the registered provider who had experience of operating many similar sites and was satisfied that the provision was suitable.

Cllr Stubbs asked whether the Witchford Neighbourhood Plan had been considered when designing the site, and questioned whether the compromise proposed regarding the cycle path had added costs to the development. The agent confirmed that the Witchford Local Plan had been consulted and that the proposal was compliant in all areas with the exception of the location of the cycle route. No significant costs had been incurred by including the additional informal walking route to the south, although it had reduced some of the garden sizes.

Cllr Trapp raised the issue of providing charging points for electric vehicles, and asked whether the laybys on the northern side would be for visitor parking. The agent reiterated that the parking provision was policy-compliant and added that they would be willing to accept a condition regarding the provision of charging points.

Cllr Hunt commented that he had attended the meeting between the agent and other parties to discuss the cycle path provision, and the Chairman of the Parish Council had not committed to supporting the proposed compromise, rather he had committed to presenting the proposal to the Parish Council for their opinion.

Cllr Jones asked whether consideration had been given to finding a way to deliver the cycle path in the south of the site, and also whether the informal path next to the award ditch would connect to other footpaths. The agent confirmed that the informal path connected to a path to Orton Drive and then north to the Bovis development. He explained that a cycle path to the south would be impractical and undeliverable due to its impact on the ditch. It also would not connect properly to the spine route which terminated at the north east of the site. The proposed compromise met the objectives of the policy, although not the letter of it. If the entire scheme was to be moved north in order to accommodate a path to the south then dwellings would be within the noise contours and would therefore be contrary to other policies.

The Chairman then invited Parish Cllr Ian Boylett, Chair of Witchford Parish Council, to address the Committee on behalf of the Parish Council. He read aloud the following statement:

“Witchford Parish Council considered the Planning Officer’s report recommending approval of the application at its Council Meeting on 1<sup>st</sup> June 2022.

The Parish Council has consistently objected to this application on the ground that it is not compliant with the Witchford Neighbourhood Plan. The Neighbourhood Plan was supported by Witchford residents in a referendum in March 2020 when it was approved by a majority of 572 votes to 25. The Neighbourhood Plan was adopted by ECDC on 21<sup>st</sup> May 2020 and is legally part of the development plan for East Cambridgeshire and is required to be referred to by ECDC when determining planning applications. Richard Kay, ECDC Strategic Planning Manager, has confirmed that the District Council treats the Neighbourhood Plan as part of the East Cambridgeshire Development Plan.

The Parish Council notes that the Planning Officer may be relying on the objections raised by the Parks and Open Spaces Officer at ECDC when reaching the decision to recommend approval. These objections are:

- The cost to provide a suitable surface to enable heavy plant to access and work from the path.
- The need to spread the watercourse arisings from the desilting.
- The maintenance of the watercourse.
- ECDC not wishing to adopt a path in this location, “which is therefore likely to go to a management company which rarely work after a few years”.

The Parish Council is concerned that these comments are outweighing the statutory status of the Neighbourhood Plan. Cost is not a planning consideration. The Parish Council also notes that at the Manor Road development site, which is covered by policy WFDH2 in the Neighbourhood Plan, a similar requirement to provide a cycleway has been incorporated by the site developer without it raising any objection or query. This demonstrates that the requirement to provide the cycleway is not onerous on the developer. The Parish Council also notes that at present the developer is not providing any infrastructure, for example a local play area, to benefit the community. The Parish Council has a policy and a project to provide a cycleway through Witchford, along the southern route as set in the Neighbourhood Plan, right through to Witchford Village College. The Manor Road development site is providing that link and it is also running directly beside a drain ditch. If it can run beside that drain ditch, why can't it run beside this drain ditch?

The Parish Council notes also that the Witchford Neighbourhood Plan was made prior to the first reserved matters application being made by the developer; it therefore contends that the Neighbourhood Plan policy has been available throughout the reserved matters application process and should have been taken into account by the developer in the site layout and design. The Parish Council has no objection to the development of the site, it is only seeking compliance with the Neighbourhood Plan.

The Parish Council asks the Planning Committee to uphold the Neighbourhood Plan and its policies and to refuse the application.”

When asked by Cllr Huffer about the path that the Bovis developer had put by the ditch, Parish Cllr Boylett explained that the path had not yet been installed but the developer was in discussions with the Parish Council. The Planning Manager then advised that the Open Spaces & Facilities Manager should be consulted, and stated that she was unaware that approval had been granted for a footpath along that section of the award ditch, as this did not form part of that application. The Parish Councillor then highlighted a path alongside a ditch nearer to the school and cited that as evidence that it would be possible. The Planning Team Leader explained that although the Common Road - Manor Road development did have a cycleway alongside a ditch, in that case the ditch was filled rather than being an award ditch, therefore the circumstances were different. The intention with the proposed route to the north of the application site was that it would connect to the other cycle routes to reach the school.

Cllr Jones questioned the need to be prescriptive over all of the policies in the Neighbourhood Plan and suggested that the alternative proposal appeared to link up better with the other existing or planned cycleways thereby achieving the aim of the policy. He asked whether the Parish Council would prefer to have seen a plan that included less affordable housing in order to be able to include a cycle way at their preferred southern location. Parish Cllr Boylett explained that the Parish Council's view was that some elements of the Neighbourhood Plan, such as promoting ecological travel, were aspirational, whereas other parts were distinct requirements. The cycle route to the south of the site was a requirement that the Parish Council considered to be sacrosanct. In terms of the site layout, the Parish Council believed that the site could accommodate 40 properties and a southern cycleway.

In response to questions from Cllr Stubbs, Parish Cllr Boylett confirmed that the site had been brought forward as part of the local plan by Witchford and that Witchford had a working party on climate change. Cllr Stubbs asked what the climate change working party's view had been upon hearing that the developer could not accommodate all of the preferences regarding biodiversity, affordable housing, and cycle route location. In particular, she asked for their view on the impact that a southern cycle route would have on the biodiversity of the award ditch. Parish Cllr Boylett stated that the working party had representation on the Parish Council and were in support of the Parish Council's decision to require the provision of a southern cycle route. He also confirmed that the Parish Council had been aware of the award ditch, and that their proposed path would run alongside it, when drafting the Neighbourhood Plan. Cllr Trapp queried whether they had been aware that a cycle path would require several metres of land between the ditch and the path, and that if the whole layout moved further north to accommodate that requirement then the houses would be closer to the noise of the A142. He added that, as a cyclist, the straighter route to the north would be preferable to a path following the bends of the award ditch. The Parish Council Chairman replied that he believed that the Neighbourhood Plan Committee had been aware of the ditch and its implications.

*3:32 – 3:45pm meeting adjourned while an issue with the livestream was fixed.*

Cllr Wilson asked whether there were any advantages to a southern route rather than a northern route, or whether it was purely a matter of principle. Parish Cllr Boylett explained that there had been strong local support for retaining the permissive path that was in frequent use, and adding an adjoining cycle route so that the two were combined. In addition this would assist the cycle/footpath project linking Marroway Lane to the school. Cllr Wilson suggested that with the permissive path retained and a cycle route linking into the continuous cycle route project, both aims would be achieved and the walkers would also benefit from being separate from the cyclists. The Parish Council Chairman stated that there were shared cycle/pedestrian routes elsewhere in the District and the Parish Council believed that to be the positive way forward.

In response to a question from Cllr Ambrose Smith about the disruption that cyclists would experience during period of maintenance on the ditch, Parish Cllr Boylett stated that it would be no different to maintenance occurring on other paths and cyclists or pedestrians would comply with the restrictions in place.

There being no further questions, the Chairman invited further comments from the Senior Planning Officer and questions for her from Members. The Senior Planning Officer reiterated that the reasons had been given as to why a cycle route adjacent to the award ditch could not be delivered and a route through the north of the site had been proposed instead. If a route to the south was insisted upon then the housing would need to move north to accommodate it and would result in the dwellings experiencing more noise from the A142 and/or fewer affordable homes being delivered. The Planning Team Leader added that the biodiversity impacts of a cycle path immediately adjacent to the ditch would breach the requirements of policy GI3 in the Neighbourhood Plan.

Cllr Stubbs referenced the Parish Council Chairman's comment about importance having been placed on the potential maintenance costs of a southern path, and asked the Officers for their interpretation since she had not read the Open Spaces & Facilities Manager's comments in that vein. The Senior Planning Officer stated that she had understood the concern to be mainly regarding the biodiversity cost. In response to a question from Cllr Hunt, the Officer explained that the District Council was responsible for the maintenance of the ditch and there was no associated cost to the Parish Council.

Cllr Brown requested that a condition regarding the provision of electric car charging points be added to the standard conditions for all similar applications in the future. The Planning Manager agreed, and added that building regulations would be changing later in the month to require charging points but there would be a transitional period for implementation so a temporary standard condition could be used until then.

The Chairman then opened the debate. Cllr Huffer expressed her concern for the biodiversity impact of a tarmac path, with lighting, wide enough for cyclists and pedestrians alongside the ditch. Retention of the permissive path in its existing state, and the addition of a northern tarmac route with lighting that linked to other routes within the village, was in her view a better solution. She recognised that it was not what the Parish Council wanted but she suggested that it was the most practical and reasonable solution. She therefore proposed that the application be approved, in line with the Officer's recommendation, and Cllr Wilson seconded the proposal. Cllrs Trapp and Wilson spoke in favour of the amount of affordable housing that would be provided and agreed with Cllr Huffer's views regarding the existing and proposed paths. Cllr Wilson suggested that most village residents who had voted in favour of the Neighbourhood Plan had probably wanted the benefits of the cycle path with its exact location being of less concern to them. Cllr Brown agreed with all three previous speakers. Cllr Jones expressed scepticism regarding the Parish Council's assertion that 40 dwellings could be accommodated on-site if the layout was moved north to accommodate a southern cycle route, and considered that the application represented a good compromise when all factors were considered.

Cllr Austen questioned how many Witchford residents were likely to purchase the new homes, and the Senior Planning Officer informed her that the Housing Officer had been satisfied that the plans met local need.

Cllr Hunt stated that he was aware of the contents of the Witchford Neighbourhood Plan and of the amount of work that had gone into its development. However, he

represented Witchford and had been trusted by the Ward residents to do the best for them. He believed that the proposal was in the best interests of those who lived locally and, although he was aware of the Parish Council's comments regarding moving the dwellings to accommodate a southern route, he did not consider that being closer to the A142 would be good. As the other Ward Member for Witchford, Cllr Stubbs also spoke of her dilemma since the Parish Council opposed the scheme. She expressed surprise that the climate change working party had supported the objection since it had been shown that it would not be possible to satisfy all the conditions of the Neighbourhood Plan. Biodiversity was very important and the impact of a southern cycle route would cause it to be contrary to policies G13 and T1, which would be complied with under the proposed compromise. She considered the compromise to be a sensible solution, and added that the permissive path would be destroyed if tarmac and lighting were to be used in that location. The developers had clearly worked hard with Officers and the Parish Council to improve on their original plan.

It was resolved with 9 votes in favour, 0 votes against, and 1 abstention:

That planning application ref 21/01136/RMM be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report and an additional condition requiring the submission of a scheme for the provision of electric car charging points for the site.

## **7. 22/00347/OUT – LAND EAST OF 79 FORDHAM ROAD, SOHAM**

Catherine Looper, Senior Planning Officer, presented a report (X9, previously circulated) recommending refusal of an application seeking outline planning consent for the construction of one dwelling. The only matter to be considered at this stage was access; the matters of appearance, landscaping, layout and scale would be considered at the reserved matters stage if outline planning permission was granted.

Members were shown a location plan and aerial images to illustrate the site's position between the settlements of Soham and Fordham, and in close proximity to a water tower, a haulage yard, and a residential dwelling. Photographs of the site and of the streetscene showed mature boundary hedging to the site and a row of trees subject to tree preservation orders fronting the road immediately to the west of the application site.

The main considerations for the application were deemed to be:

- **Principle of development** – although located within the Parish of Soham there was clear physical separation between the town's development envelope and the application site. Not only was there a significant distance and the presence of a large roundabout and several 60mph roads, but also the landscape between the edge of the town and the site was predominantly agricultural. The Council's position regarding the five-year housing land supply had been covered in detail in the Officer's report and for the particular proposal in this specific location GROWTH2 was considered up to date and should carry full weight. The proposed development was considered to be contrary to GROWTH2 and therefore the principle of development was unacceptable.

- **Residential amenity** – insufficient information had been submitted to demonstrate that future occupiers of the proposed dwelling would not be significantly impacted by the noise of Fordham Road and the A142 and the adjacent haulage depot. The A142 was a class A transport route and both had a 60mph speed limit. It was therefore considered that a dwelling at this location could provide poor residential amenity for its occupiers.
- **Visual amenity** – the general impact of a dwelling at this location could be assessed even though details of appearance, layout and scale, and landscaping would all be matters for a reserved matters application. Given the rural location and physical separation from the nearest settlements it was considered that the introduction of a dwelling would be visually intrusive and out of keeping with the rural setting. It would also further erode the separation between Soham and Fordham causing demonstrable harm to the character of the countryside.
- **Highway matters** – the Local Highways Authority had objected to the proposal on several grounds: the application site red line did not meet the extent of the public highway, there was no demonstration that the necessary visibility splays could be achieved for the intensified use of the access, and the required ungated access width and length from the public highway had not been demonstrated.
- **Other matters** – biodiversity enhancements and drainage details could be secured by condition. A contamination report had been received and consequently Environmental Health had advised that no further investigation would be needed. No information had been supplied in relation to the Climate Change SPD, which weighed against the application but was not sufficient reason for refusal.

In summary, the proposal lay outside the development envelope of Soham and was therefore contrary to policy GROWTH2 since it did not meet any of the exceptions within the policy. No information had been provided to demonstrate that future occupiers would not be adversely impacted by noise from the A142 and Fordham Road and the haulage site; it was therefore contrary to policy ENV2 and the NPPF. It would cause visual harm to the area and there were concerns regarding highway safety. The proposal was therefore recommended for refusal.

On the invitation of the Chairman, the applicant's agent, Andrew Fleet, addressed the Committee. He stated that the application was for a modest family home on a half-acre plot. The intention was for a single-storey dwelling which would result in no demonstrable or significant visual harm. It would be a welcome alternative to the mass housing developments that regularly appeared and it would maintain a sense of rural living but in a sustainable location within walking distance of the amenities of both Soham and Fordham. He referenced the recent appeal decision to the north of Soham that had determined the fringes of Soham to be suitable for further growth, and stated that this application was ideal in that context. He also referenced recent planning approvals for dwellings closer to the road along the same stretch of highway and a recent approval nearer to the A142, which had not required noise assessments. The noise issue could be addressed using a bund, if necessary, and the intention was to retain some of the boundary hedging to assist with privacy and noise reduction. The road between Soham and Fordham contained many dwellings, including a neighbour to one side and directly opposite, as well as the water tower and the haulage business which demonstrated that the site was not in the open countryside. The proposed dwelling, which was intended

to be single-storey, would not be detrimental to the streetscene. Vehicles relating to the haulage business regularly accessed the road without incident and the land could be currently be used for agriculture or livestock, both of which would be likely to result in more frequent and slower-moving vehicles. He suggested that Highways recommendations were regularly challenged, and cited a similar application in West Street, Isleham, that had been approved by the Planning Committee, against the Officer's recommendation because the Committee considered that a similar traffic concern had minimal impact in that instance. He urged the Committee to demonstrate consistency and approve the application.

Cllr Jones questioned whether the agent truly considered the application to be in a similar vein to the recently-allowed appeal at the north of Soham. The agent explained that the similarity was that both sites were located on the fringe of the town. In response to queries from Cllr Trapp, the agent explained that the current access gate for the water tower would move further along the access road in order to accommodate the access for the proposed dwelling, and corrected his comment regarding the plot size: 0.5 acres was the entire piece of land but the application only covered half of the site. He explained to Cllr Stubbs that no noise assessment had been submitted because the client had not requested one. He had also previously submitted two applications along the same road, closer to Fordham, that had been approved without the need for a noise assessment.

The Chairman then invited further comments from the Senior Planning Officer, and questions for the officer from Members. The Senior Planning Officer reminded Members that all matters had been reserved apart from access, and therefore the agent's comments about the intention for a single-storey dwelling were not relevant to the current application. In addition, it had been Environmental Health who had raised the concern regarding noise considerations due to the haulage yard. In response to a question from Cllr Jones about the two nearby applications mentioned by the agent as having been approved without a noise assessment, she suggested that if they were located closer to Fordham they may have been on the 40mph stretch of road rather than the 60mph stretch where the application site was positioned. In addition, due to the way that Fordham Road and the A142 diverged from the roundabout, the sites could be situated further from the A142. She reiterated her previous comment that Environmental Health had raised a noise concern in this case.

The Chairman then opened the debate. Cllr Stubbs stated her disagreement with many of the agent's comments and considered that the location could not be considered rural in terms of traffic and the noise levels. She was also concerned about the sight line being restricted by the retained hedgerow. She proposed that the application should be refused, in line with the Officer's recommendation. Cllr Brown seconded the proposal on the grounds that the development envelopes should consistently be respected and there were no good reasons to go against that in this case. Cllr Trapp agreed with the Officer's conclusions and commented that he had only been able to safely leave the site with the assistance of someone to guide him into the traffic, he therefore considered that egress from the site would be considerably more dangerous than access. Cllr Wilson commented that although he often disagreed with the views of the Highways Authority he considered that in this instance they were correct and approval of the application could result in a serious accident.



Cllr Ambrose Smith expressed the view that although the site was challenging, she considered that it would be possible to design a building that could satisfactorily address the access and noise issues. She suggested that the applicant should be asked to resubmit the proposal with more detailed information.

Cllr Downey was broadly in agreement with Cllr Ambrose Smith's viewpoint and in general he favoured an open-minded interpretation of the development envelopes and definition of open countryside. However, this application was contrary to policies in multiple areas and he was therefore unable to support it.

It was resolved with 9 votes in favour, 0 votes against, and 1 abstention:

That planning application ref 22/00347/OUT be REFUSED for the reasons detailed in paragraph 1.1 of the Officer's report.

## **8. PLANNING PERFORMANCE REPORT – APRIL 2022**

Rebecca Saunt, Planning Manager, presented a report (X10, previously circulated) summarising the performance of the Planning Department in April 2022.

All targets had been met, in part due to the work of Lucy Flintham and the Support Team who had been focussing on reducing the time taken for determination of DIS/NMA. Members' attention was also drawn to the Inspector's decision to dismiss an appeal against the Committee's decision to refuse an application for a care village in Bottisham.

It was resolved:

That the Planning Performance Report for April 2022 be noted.

The Chairman expressed his thanks for an excellent and efficient Planning Department, backed up by the Members of the Planning Committee.

*The meeting concluded at 4:39pm.*