



East Cambridgeshire District Council

Minutes of a Meeting of the Planning Committee

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 2:00pm on
Wednesday 6 November 2024

Present:

Cllr Chika Akinwale
Cllr Christine Ambrose Smith
Cllr Lavinia Edwards
Cllr Julia Huffer (substitute for Cllr Martin Goodearl) (Acting Vice Chair)
Cllr Bill Hunt (Chair)
Cllr Alan Sharp
Cllr John Trapp
Cllr Ross Trent
Cllr Christine Whelan
Cllr Gareth Wilson

Officers:

Maggie Camp – Director Legal Services
Kevin Drane – Trees Officer
Holly Durrant - Senior Planning Officer
Gemma Driver – Senior Planning Officer
Rachel Gordon – Interim Planning Team Leader
David Morren – Interim Planning Manager
Cameron Overton – Trainee Democratic Services Officer
Charlotte Sage – Planning Officer
Dan Smith – Planning Team Leader
Angela Tyrrell – Senior Legal Assistant

In attendance:

Andrew Fleet (Objector, Agenda Item 5)
Ian Bayes (Neighbour, Agenda Item 5)
Jezz Davies (Neighbour, Agenda Item 5)
Parish Cllr Christopher Standley (Parish Councillor, Agenda Item 6)
Malcom Roper (Neighbour, Agenda Item 6)
Dr Stephen Ladyman (Applicant, Agenda Item 6)
Tim Dobson (Applicant, Agenda Item 8)
Alastair Morbey (Applicant, Agenda Item 9)
Yvonne Mackender (Supporter, Agenda Item 9)
Phillip Kratz (Agent, Agenda Item 10)

4 other members of the public

Lucy Flintham – Office Team Leader

36. Apologies and substitutions

Apologies for absence were received from Cllrs David Brown and Martin Goodearl.

Cllr Julia Huffer was attending as substitute for Martin Goodearl.

Due to Cllr Brown's absence, Cllr Julia Huffer Vice Chaired the meeting.

37. Declarations of interest

Cllr Julia Huffer declared herself to be predetermined on Agenda Item 6 (23/01088/FUL – Land East of 19 Station Road, Fordham, Cambridgeshire) and after addressing the committee would leave the meeting for the remainder of the item.

Cllr Lavinia Edwards declared that she had called in Item 10 (24/00366/FUL – 12 Swaffham Road, Burwell, Cambridge) but that she would be keeping an open mind.

38. Minutes

The Committee received the Minutes of the extraordinary meeting held on 13th August 2024 and of the Planning Committee meeting held 4th September 2024

It was resolved unanimously:

That the Minutes of the extraordinary Planning Committee meeting held on 13th August 2024 and the Planning Committee meeting held 4th September 2024 be confirmed as a correct record and be signed by the Chair.

The Chair noted that an amendment was requested by a Councillor for Soham ward but that in the absence of a written copy of the speech, this could not be adopted. The Chair requested that the amendment be filed by the clerk.

39. Chair's announcements

The Chair made the following announcements:

- The Chair announced that Gemma Driver, Senior Planning Officer was to leave East Cambridgeshire District Council after 5 years at the organisation. The Chair thanked Gemma Driver for her service and valuable contributions throughout her time there. The Chair wished Gemma Driver good luck in her future endeavours.
- The Chair welcomed Rachel Gordon, Interim Planning Team Leader, to East Cambridgeshire District Council.

40. TPO/E/05/24 – Land South East of 4 Meadowbrook, Aldreth, Cambridgeshire

Kevin Drane, Trees Officer, presented a report (Z81, previously circulated) recommending approval of the TPO, including T1 which had been disputed for this TPO.

The main considerations for the application were deemed to be:

- **The opinion of the tree owner/agent who objected to the confirmation of tree T1 in the TPO**
 - The tree owner did not regard T1 as worthy of protection but had no objection to the protection of the other trees, as they performed an important landscape function in marking the edge of the built-up area.
 - As T1 was separate from the trees on the southern boundary and only visible from the head of the cul-de-sac at Meadowbrook, its removal would have had negligible impact on the landscape or character of the area.
 - There was pressure to continually prune the tree, due to its proximity to a neighbour's swimming pool.
 - T1 was affected by Ash dieback and while it was not excessive at the time, the tree was clearly vulnerable to the disease.
 - They were prepared to replace T1 with 6 replacement trees.
- **The support of the TPO from the neighbouring property owners**
 - Support for the TPO had been received by neighbouring property owners and the Parish Council.
 - As a mature tree, it provided a valuable local amenity which was intended to be removed.
 - The tree was a potential bat roost. Neighbours had witnessed bats flying around the tree in summer months.
- **The amenity value of the tree, and the visual impact of its loss in the local landscape**
 - This matter was based on subjective assessment, as the amenity value of a tree was not defined in law. The Government suggestion was that it was necessary to exercise judgement on the matter.
 - It was assessed using the TEMPO method. T1 scored 16 points out of a maximum 25 points. This placed T1 in the 'definitely merits TPO category'
 - Although public views of the tree were limited, the tree was visible from properties, both of which expressed support of the TPO.
- **The current lack of evidence supporting the removal of T1**
 - Regarding Ash dieback, there was no evidence suggesting that T1 was infected. The genetic variability of Ash makes it unclear if this tree would have been infected in the future.
 - Should the removal of T1 be necessary in the future, TPO legislation required that it be replaced by only 1 new tree. Were the removal be approved by planning application, 6 new trees

would have been required based on its size at the time; this was subject to potential changes in Biodiversity Net Gain legislation in the future.

- **Future occupiers**

- Without a TPO in place, were the ownership of neighbouring properties to change in the future, it would have been at the owners discretion whether trees T2-9 were removed. This would have resulted in their amenity value and locality being lost.

In summary, it was recommended that Members approved the TPO for the reasons set out in the presentation and report.

The Chair welcomed Mr Andrew Fleet to address the committee:

“Thank you for allowing me to speak on this item on behalf of Meadow Barn developments, who own this site and object to the TPO.

“I need to make it clear that our objection relates only to tree T1, which our clients intend to fell to make way for the erection of a dwelling on the plot. You will have seen the representations already submitted by Hutchinsons on behalf of our clients, which appear in your background papers, and I do not intend to merely reiterate the points made, which I hope you will take into account in any event, but rather I shall concentrate on what we consider to be the critical issues.

“I would emphasise that our arboriculture consultant does not agree that tree T1 is worthy of a TPO designation for the reasons set out in his detailed report.

“Whilst the tree is visible from the two adjacent properties, it is separated from the main boundary belt and is only visible from the head of the cul-de-sac, which is a private drive. It is therefore not open to public view and its removal would not detract from the overall landscape quality of the area, particularly as our clients have proposed to replace it with six new trees to supplement the existing tree belt, a situation which your tree officer has indicated would be acceptable to your Council, even if the TPO were to be confirmed. Bearing in mind it is already showing signs of dieback, such a solution would represent a significant gain in amenity terms.

“A Planning Inspector has already determined that tree T1 does not merit protection (paragraph 1.7 of Hutchinsons’ representations).

“Importantly, the conclusions in section 5 of your report provide an incorrect amenity value for tree T1. Using the TEMPO method, it is stated that the tree scores 16 points, which places it in the highest category where the tree “definitely merits a TPO”. However, the actual score, using the assessment contained in your report only adds up to 14 points, which at best indicates that a TPO is only just defensible. Bearing in mind the lack of public visibility, the risk of Ash dieback and the replacement planting our clients are proposing, we suggest that the score should be reduced further.

“We therefore request the Committee to omit tree T1 from the proposed TPO.”

The Chair invited questions to Mr Fleet.

Cllr Christine Ambrose Smith queried if T1 was located in a conservation area. Mr Fleet informed Members that it was not.

Cllr John Trapp asked about the importance of tree T1 not having a TPO to the objectors. Mr Fleet explained that his clients had made two planning applications for the site in question, both of which had been dismissed. He continued that were a TPO to be in place, there would be another obstacle to overcome.

The Chair acknowledged that a letter from Haddenham Parish Council, in strong support of the TPO, had been received and viewed by Members. The Chair requested the Clerk to file the document.

The Chair thanked Mr Fleet and welcomed Mr Ian Bayes and Mr Jezz Davies to address the Committee.

Mr Ian Bayes:

“Dear Committee Members,

“Thank you for the opportunity to express our support for this Tree Preservation Order at Meadowbrook, as recommended by your Tree Officer and also endorsed by the Parish Council on Monday 4th Nov.

“As some of you may know, this particular site at Meadowbrook has a long history of planning applications, refused four times by East Cambs, plus twice at appeal.

“So why is this relevant, well this TPO is a direct result from the most recent planning refusal.

“On Friday 28th June, East Cambs issued a planning refusal for the sixth attempt at gaining development approval at this site, quoting two key factors;

“1. The development would be out of keeping with the character and appearance of the area

“2. Information was intentionally not submitted to support the categorisation of this mature ash tree T1.

“On the following Tuesday 2nd July, a contractor appointed by the developer arrived at Meadowbrook to cut down this particular healthy, mature Ash tree referenced T1 in the planning refusal.

“Due to concerns over whether the tree was covered under an existing TPO, plus we believe tree T1 was being used as a summer bat roost, as we have a registered maternity roost with 15-20 long eared bats, which you was invited to come and look at, we contacted the East Cambs Tree Officer, who we understand visited the site and also spoke with the contractor to explain the reasons for the interim TPO.

“For a TPO to be confirmed, we understand that the following key requirements need to be satisfied.

“1. Does the tree or trees have public amenity value – Yes, as they form the southern boundary of Aldreth, can be viewed from popular local public rights of way, making a positive contribution to the character and appearance of the area. The trees (including the tree T1) provide a high level of amenity as they form a key outlook from living areas in adjacent properties. Additionally, the healthy Category A mature ash tree T1 is likely to be used by bats (protected species), which would have a detrimental impact to the local environment if it was removed. This clearly demonstrates a TPO would be in the public interest and a TPO would result in public amenity value.

“2. Is there a known or foreseeable threat to the tree? – Yes, it can be demonstrated without any doubt that the trees covered under this TPO (including T1) were and remain under a known or foreseeable threat, as demonstrated by the developer sending a contractor to cut down the particular tree.

“Allowing tree T1 to be excluded from this TPO would remove a key reason for planning refusal for any future appeal or new application, plus adversely impact protected species identified at the site.

“So, we therefore request the committee approve this particular TPO as recommended by your Tree Officer and the Parish Council, including tree T1 at the site, to protect public amenity from an immediate treat.

“Should the committee decide to include or exclude tree T1 from the TPO, we request a condition is included that full and detailed bat surveys are undertaken to satisfy legal obligations to ensure the potential removal of T1 will not have any detrimental impact to the local environment.

“Thank you very much.”

Mr Jezz Davies:

“Thank you for allowing me to add to what my neighbour Ian has said.

“Just to reiterate, I was concerned that the attempt to remove the tree was going to remove a very good amenity we have, rather than address the entirely reasonable issues that were raised by the Planning Committee earlier in the year.

“Some of you came out to see the tree this morning. As you saw, it’s a nice, big, healthy tree. It’s very close to my boundary, in fact it overhangs my boundary. I feel it’s almost become part of my garden, and I think I’m the only person who has made any attempt to look after the tree in the last 27 years.

“I certainly feel that in the absence of any clear plan for this plot at the moment, given that previous applications to develop have all been refused, that removal of the tree would be unjustified anyway. I hope the planning committee is therefore able to confirm the TPO. We need to protect our native trees; this would be a small contribution towards that.

“Thanks very much.”

The Chair invited Members questions to Mr Bayes and Mr Davies.

When questioned by Cllr Gareth Wilson, Mr Davies informed Members that while he did have a swimming pool, it was decommissioned from the end of September and was covered with a debris cover, so the leaves of T1 falling into the swimming pool was not a concern throughout the winter months.

Mr Bayes noted that there was no need to remove the tree, except to shape future appeals, in light of the previous six rejected planning applications to develop on this site since 1997, when queried by Cllr John Trapp.

Cllr John Trapp further enquired as to the length of time bats had been present in the area. Mr Bayes informed Members that he had first seen them 13 years prior, and that there was approximately between 15 and 20 bats. Mr Bayes informed Members that his loft was a registered maternity roost.

The Chair allowed Mr Fleet to address the Committee. Mr Fleet stated that preliminary ecology reports had been undertaken by his clients, which showed that there was no bat activity in the area.

The Chair thanked Mr Bayes and Mr Davies and welcomed comments from the Trees Officer.

The Trees Officer confirmed that the objector was correct in his calculation, that the amenity score was, in fact, 14 and not 16, which placed T1 in the ‘TPO defensible, just’ category.

The Chair invited questions to the Trees Officer.

The Trees Officer confirmed that in his assessment, there were no present signs of Ash dieback, when questioned by Cllr Gareth Wilson.

The Chair invited debate.

Cllr Christine Ambrose Smith commented that irrespective of the presence of bats and the number of planning applications previously refused, as this tree did not form part of the street scene as others do, the owners should have a

say in the land they own. The actions taken regarding this issue ought to be under the control of the landowner. The Councillor noted that this view did not fit with various policies in place.

Cllr Julia Huffer stated that she lived in a house with blanket TPOs throughout the garden. It was her view that while the trees were occasionally a nuisance, they were for the most part a joy. That tree T1 was a joy. Cllr Julia Huffer, therefore, proposed Members accept the recommendation for approval of the TPO. The proposal was supported by both Cllrs John Trapp and Christine Whelan.

Cllr Julia Huffer's proposal was seconded by Cllr Christine Whelan.

Cllr Gareth Wilson noted the point that landowners ought to be able to do what they wished with their own land. However, it was his view that East Cambridgeshire was more in need of trees than most places and that, therefore, T1 should have been kept.

The Chair invited Members to vote.

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

That the TPO be confirmed, including the one tree objected to, on the grounds set out in report Z81.

41. 23/01088/FUM – Land East of 19 Station Road, Fordham, Cambridgeshire

Holly Durrant, Senior Planning Officer, presented a report (Z82, previously circulated) recommending approval of an application seeking full planning permission for the development of retirement housing with support (use class C3) (age restricted to over 60s) comprising of 21 dwellings, a residents' community building, landscaping, access and associated infrastructure.

The Senior Planning Officer noted a point of clarification that recommendation point B should have read reference 23/01088/FUM, not 23/01338/OUM.

The Senior Planning Officer provided an overview of the proposal and showed associated photographs and site plans. It was explained that bungalows would be built using modern methods, highly insulated and sustainable. It was further explained that there would be a community building present and that three of the housing units would be 'affordable', capped at 80% of the market value. As part of the proposed development, it was proposed there would be upgrades to the existing access, including footpath provision, extension on to Station Road and an uncontrolled pedestrian crossing point to link up to the existing Northern footpath.

It was proposed that there would be on-site landscaping and biodiversity enhancements, as well as off-site Biodiversity Net Gain as part of the proposed heads of terms of the legal agreement.

The main considerations for the application were deemed to be:

- **Principle of development** – At a national and local level, it was recognised that there was an urgent specialist need for housing for older people. The proposal fell within ‘retirement living’ or ‘sheltered housing’; also known as ‘housing without care’ or ‘housing with support’ the terms may be used interchangeably. The Council’s Local Plan, as well as the Fordham Neighbourhood Plan allowed for exceptions outside of the Development Envelope, for which this application was situated, under policy HOU 6 for retirement provision. The policy itself allowed for ‘Nursing Homes’ and ‘Care Homes’ outside of the Development Envelope but sought to direct proposals such as this towards a settlement within the settlement boundaries. The applicant provided sites within both Fordham and Isleham as potential alternatives, both of which were deemed inappropriate. Therefore, whilst there was technical conflict with Policy GROWTH2 and HOU 6 of the Local Plan and Policy 1 of the Neighbourhood Plan the proposal was generally considered to align with the objectives of the policy, providing retirement housing in a sustainable location, noting the facilities provided within the village of Fordham. The material considerations of this proposal were deemed to outweigh the policy conflict; notwithstanding that it would have met an identified need, it would have potentially released family housing back on to the market, as well as various other benefits set out in report Z82.
- **Housing Mix and Affordability** – The predominant provision on site was two-bed, with six three-bed units. Three discount units were to be provided. The policy target was 8 affordable units, meaning the proposal was underproviding 5 affordable units. Following independent viability assessments, the maximum number of affordable units was considered to be 3 given the nature of the proposed development. It was noted that as part of the Section 106 agreement, there was provision for the viability to be reassessed if more affordable housing was achievable. The proposed development was therefore considered to comply with Policy HOU 3 of the Local Plan.
- **Residential amenity** – The site was proposed to be arranged around a central SuDS Pond and open space. It was considered that given the low scale of development, the proposed development would not have had any unacceptable residential amenity impact upon surrounding occupiers and would provide a very good level of amenity to occupiers. It was noted that the gardens did appear small comparative to the plot itself, but that the units were designed for a variety of different end users, with a variety of dwelling garden sizes to meet the needs of the end users. There were planning conditions relating to the details of Air Source Heat Pumps and a noise management plan for the community building, noting the surrounding residential uses.
- **Visual amenity** – The proposers were supported by a landscape visual impact assessment, which ultimately concluded very minor residential

visual and landscape harm, at a very localised level, which was outweighed by the delivery of high-quality units and site-wide landscaping scheme.

- **Highways, Access and Safety** – The developers suggested they would provide improved access to the site, as well as a pedestrian footpath along Station Road, with an uncontrolled pedestrian crossing to the north. The access road was proposed for adoption, whereas the internal site was proposed as a shared surface road around a central open space area. Whilst this was not proposed for adoption, there were no highway concerns, with regards to overall layout and parking. Each dwelling was to benefit from policy compliant levels of parking, as well as additional visitor parking, and parking for the community building. There was a proposed bin store to the front of the site near the community building for occupiers and the community building itself.
- **Ecology and Trees** – The site was bounded by resisting trees and hedgerows, as well as other neutral grassland in the centre. It was proposed that the loss of neutral grassland was to be offset by offsite contributions, as well as on-site enhancements, including blue infrastructure, seeding roofs and orchards. While this site was not a mandatory biodiversity net gain site, it was targeting a 10% net gain, achieved by offsite contributions.
- **Flood Risk and Drainage** – The site was designed, following comments from the lead local Flood Authority, around the central SuDS Pond. There were no objections to the proposal on this basis. Matters of water quality and pollution control were also considered to have been addressed.
- **Other Material Considerations** – There were no concerns regarding historic environmental contamination. With regards to climate change, the proposed developments were targeting EPCA rating, which was considered to accord with the objectives of the Local Plan. As set out within the report, there was also a details list of Heads of Terms, including the optional care packages to be provided as part of the scheme.

In summary, the proposals represented a scheme fully designed around its intended occupiers. The proposals provided a choice of high-quality, accessible and future-proof bungalows, in a sustainable location, with variably sized gardens to suit a variety of needs. Each dwelling was designed to support independent living in later life, supported by smart technology and a site warden to aid day-to-day living, with optional care packages available. The community building was also considered to benefit residents, as well as the wider community, facilitating engagement and reducing isolation. The provision of retirement bungalows was also likely to release market housing and family homes back into the villages of Fordham and Isleham. The dwellings were designed with a high level of efficiency and sustainability. Whilst below policy targets for affordable housing, the site was to deliver a mix of dwellings across the site, including three discount market sale units. For the reasons set out in the report, as well as the developers intention to offset its own impact offsite, cumulatively, the above reasons were considered to weigh significantly in favour of the application proposals.

In light of the above rationale, this application was recommended to Members for approval.

The Chair invited Cllr Julia Huffer to address the committee and, in turn, leave following any questions.

“Thank you Chair and Members of the Committee for allowing me to address you today. Those of you who know me, will know that I fully understand the necessity of truly affordable housing, not just for the young or families but for the older members of our communities, which is why I have championed CLT developments in my ward and beyond. Truly affordable homes for all generations. When the applicant approached the Parish Council in Fordham (of which I also happen to be a member) and asked to make a presentation I attended and listened to see what benefits this site could bring to Fordham as it is outside of the development envelope and contrary to the Fordham Neighbourhood Plan.

“They spoke of well-designed houses and a community room; it was sounding too good to be true and then someone asked about the tenancy of the development. A housing association you would think, as this is being proposed as housing for the over 60s, and only acceptable as an exception site, as it is outside of the development envelope and contrary to the Fordham Neighbourhood Plan. You can imagine my astonishment when they answered “no, all market housing” and no single bedroom but two- and three-bedroom bungalows. Who downsizes to a 3-bedroom house at 60 plus? Then you would think if this is going to be truly affordable market housing, what will the market value be? I was stunned to discover that the approximate market value would be in excess of £350,000. This was two years ago, so I can only surmise that the figure has increased. In my opinion, that cannot be considered affordable housing unless you are selling a property in London or Cambridge and looking to relocate to the country and have enough disposable income to be able to buy this kind of property outright, as no mortgage company would entertain a mortgage at 60 years old.

“The report states that Fordham has a need on a local level for this kind of housing. I would refute this. A 75-bed care home opened not 500 metres from this site in July – and I note that this type of development would free-up housing in Fordham, well if there is anybody looking to free-up large houses in Fordham, I don’t know any of them and I’ve lived there for nearly 30 years - Fordham benefits from not one, but two independent living closes, numbering some 80 bungalows over the two sites, run by Sanctuary also with a warden and two community areas only 50 metres from the Care Home. In Isleham they have 25 bungalows for the over 55 and the Lady Peyton homes at reduced rents for local residents. We have no shortage of truly affordable and suitable homes for elderly residents.

“I move onto the proposal to only offer 3 of the 21 units at a discount in contravention of the Neighbourhood Plan, which demands 40% or 8 units.

“Unacceptable on every level.

“The application also falls foul of our Neighbourhood Plan’s environment policy and buying “units off site” to make up the net-loss of almost 7% is again unacceptable on every level.

“This application is the kind of application that makes my blood boil.

“Outside of the development envelope and contrary to the Fordham Neighbourhood Plan. Under any other circumstances it would have been refused out of hand, however, an attempt to get around this is being made by the applicant as the only way they can attempt to get it approved is to call it an exception site, normally reserved for sites like the one is Isleham, also in my ward, where a housing association is building 49 homes, truly affordable for local people. This is a wolf in sheep’s clothing, a pseudo exception site. 21 units with only 3 of those being proposed at discount market rate which would be roughly £307,000. I can think of no one in my ward that will benefit in any way from this site. It is a market housing development pure and simple. It is not an affordable housing development. It is contrary to the Fordham Neighbourhood Plan which this committee has a duty to protect. It is outside of the development envelope which this committee has a duty to protect. If you allow this development to proceed, it will open the floodgates to pseudo exception sites all over the district. The applicant is trying to exploit a loophole, please don’t allow this to happen and refuse this application.”

The Chair invited questions to Cllr Julia Huffer.

In discourse with Cllr John Trapp, Cllr Julia Huffer confirmed that the proposal was offering 3 discounted dwellings, at 80% of the market value price and that at a minimum, the proposal should have suggested 8 affordable homes according to the Fordham Neighbourhood Plan. Cllr Julia Huffer also noted that there were already significant provisions for elderly residents and that this application was for market housing, regardless of how it was presented.

Following an enquiry from Cllr Gareth Wilson, Cllr Julia Huffer stated it was her belief that 60 years of age was not considered ‘elderly’ and that this age was presented to form part of the exception. This was owing to an exception being local association housing. Other developments of this nature, having been proposed as entirely affordable, had been acceptable in the past and were this application to have been entirely affordable, there would have been no objection on her part.

Cllr Christine Ambrose Smith indicated that the proposal of two- and three-bedroom bungalows had benefits to its end user in varying circumstances and queried Cllr Julia Huffer’s objection to it. Cllr Julia Huffer suggested that she would not have an objection to the number of rooms in each dwelling, were this application to be entirely affordable, but that as it is market housing, she could not support it.

The Chair thanked Cllr Julia Huffer, who subsequently left the meeting.

The Chair welcomed Mr Christopher Standley, Fordham Parish Councillor to address the committee. Mr Standley was joined by Mr Malcolm Roper who confirmed that he would not speak and was present to answer any questions from Members.

“Chairman and Members of the Planning Committee,

“The proposed development is outside of the Development Envelope, as shown in the Fordham Neighbourhood Plan. The proposed site would extend the village into open countryside, which is not the wishes of the community, as demonstrated at the referendum for the Fordham Neighbourhood Plan.

“Through the National Planning Policy Framework, the government gave extra protection to Neighbourhood Plans, which includes policies and allocations of housing development, which is the very reason why Fordham Parish Council produced its Neighbourhood Plan. The Parish Council gave a great deal of consideration to the development envelope, as it did not wish to expand the village into the open countryside but contain it as far as possible within the existing boundary.

“It is clear that this proposal expands the village into the open countryside.

“The Parish Council asks the Committee to respect the wishes of the residents of Fordham, acknowledge the Neighbourhood Plan and take into account that Fordham is taking on far more development in East Cambridgeshire, with larger growth than any other of the larger villages in the district. More than 43%, with is over 500 dwellings.

“The proposed development is specifically for elder people and the Parish Council are concerned that the proposed development being on the outskirts of the village is isolated from the village. The closest shop is around half a mile from the site and the centre of the village is, obviously, even further. Elderly residents would have to drive into the village, or if fit but unable to drive, would have to walk some distance to shop, to visit the recreation ground or attend a concert or whatever at the village hall. In any event the Parish Council consider this site to be inappropriate for such a development.

“If permission was granted, as submitted, for retirement homes, then it could soon be changed to a normal housing development on the grounds that a principle of development had been established. The Parish Council respectfully ask the Planning Committee to refuse this application for all the given reasons.

“Thank you.”

The Chair invited questions from Members to Mr Standley and Mr Roper.

Cllr Christine Ambrose Smith questioned the premise that older people may need to walk to the shop, given that supermarkets and online retailers deliver,

noting the stereotypical nature of the assertion. Cllr Ambrose Smith further queried the notion that this development would be in open countryside. Mr Malcolm Roper stated that this development was outside of the Neighbourhood Plan, originally in open countryside and that it remained in open countryside because once developed, the open countryside would have moved further outside of the village. Mr Roper continued to explain that behind the proposed development was cultivated agriculture land and that only in front of the development were there properties and this was a backland development behind said houses on Station Road.

In dialogue with Cllr John Trapp, Mr Christopher Standley confirmed that there were no cycle paths from the proposed development site to Fordham and that the connecting road was particularly busy. Mr Christopher Standley also informed Cllr Trapp the Parish Council would indeed be satisfied, were the proposed development to be 100% affordable. It was further confirmed that the field upon which the proposed development was to be built did not suffer from waterlogging, but that the one adjacent did.

The Chair thanked Mr Christopher Standley and Mr Malcolm Roper before inviting Dr Stephen Ladyman to address the Committee.

“Good afternoon.

“My name is Stephen Ladyman, I’m a director of the company that will operate the proposed scheme once built. I’ve worked in the retirement sector and with the NHS for many years and I am also a former Health Minister.

“The Chief Medical Officer recently used his Annual Report to highlight the ‘absolute priority’ of creating environments for older people in areas like Fordham. Older people don’t want to move out of their local community into urban apartments. The Housing Needs Report for Specific Groups (2021) demonstrated a clear shortfall in the availability of retirement housing with support in ‘all areas’ within Cambridgeshire and West Suffolk. In addition, across England, ours is an ageing population and the need for good quality, purpose built accommodation to support older people to be able to live independent and healthy lives for as long as possible must be addressed. This application is for a C3 planning use class - but this is a specialist proposal, it should not be mistaken for typical market housing and the developer’s intention is to go beyond the normal criteria for C3 retirement accommodation. Most providers of this type of accommodation simply create properties that are sold on an age restricted basis, sometimes with a part-time warden and sometimes without and they seldom have much in the way of shared community facilities.

“The SageHaus Living retirement model is more comparable to Sheltered Living with all homes coming with a 24-hour monitored alarm and a Site Manager based on site and available to assist residents with any issues. For those residents who require additional care the SageHaus Living domiciliary care package will be made available. In addition, the community hub will be designed as a versatile space that will provide meals and activities every day.

“Residents do not have to use the services provided, we are not creating a care home. Their low rise, bungalow homes will be designed to make independent living easier even if they have restricted mobility and will include the latest in assistive technology - but if they need additional support, it will be available.

“And the people who move into this new scheme, will all be freeing up homes for local families.

“This is a sustainable scheme, on the edge of an existing settlement so that residents have access to existing facilities. The developer was not able to identify any other suitable or available sites in Fordham and it is extremely challenging to bring forward sites suitable for low rise bungalow properties which is what many older people say they are looking for. With a severe lack of sites allocated specifically for elderly housing this is why housing needs for the elderly continue go unmet, especially in rural locations.

“The properties that are proposed at this site are purposefully designed to make independent living easier even if residents have restricted mobility; modern building techniques will ensure that the schemes carbon footprint is minimised; and a sympathetic soft-landscaping scheme will ensure that it is visually appealing and will address the biodiversity issues raised by some of the consultees.

“This scheme offers independent living for older people with support available when it’s wanted, if it’s wanted. It’s a much needed, sustainable, visually attractive scheme.

“I hope you will support it and, if you do, we would be happy to work with officers to address any outstanding concerns or queries.

“Thank you for listening to me.”

The Chair invited Members to ask questions to Dr Stephen Ladyman.

Cllr Chika Akinwale asked Dr Ladyman to comment on the inability of the developer to provide 8 affordable homes in lieu of the 3 proposed. Dr Ladyman stated that this development addressed the need for market housing, which was also identified as a need in the local area. Dr Ladyman noted that this market housing was aimed at older people, and that the ages were likely to be closer to 75-80 years of age.

Cllr Chika Akinwale restated her previous query of why the developer was providing 3, rather than 8 affordable homes. Dr Ladyman informed Members that as they were providing community offerings on site, which carried a significant cost, the viability of more than 3 affordable dwellings was low.

Following further discussion with Cllr Chika Akinwale, Dr Stephen Ladyman suggested that there would not be an additional cost attached to refuse collection and that this development would have met the need for retirement

market housing. Further, this proposal was not designed to be a retirement home and would support independent living for its residents.

Cllr Gareth Wilson asked were the residents no longer able to look after themselves, if they would have to move away to a care home. Dr Stephen Ladyman informed Cllr Wilson that this was not necessarily the case. That at other sites he was associated with, they had provided all manner of care provisions including end of life care. Dr Ladyman acknowledged that where it became financially unviable for the individual, they may be required to look towards alternative living arrangements.

Dr Stephen Ladyman confirmed that the developer would have bought biodiversity credits elsewhere, while also ensuring the landscaping scheme met such needs as far as possible, when queried by Cllr Alan Sharp.

On the question of affordability, Dr Stephen Ladyman informed Cllr Alan Sharp that the financial assessment had been carried out on the basis of providing services and as such, 3 affordable housing units was a viable outcome.

Cllr Alan Sharp stated that an individual may be required to pay for a nursing home themselves, without help from the state, as a financial assessment of the individual was carried out, taking into account the assets they owned. Cllr Sharp asked if this development was creating a potential time bomb as a significant asset an individual owned was this property, which they were unable to sell to anyone under the age of 60. Dr Stephen Ladyman refuted this and stated that such an assessment may not take into consideration the equity an individual had in their current home.

Cllr John Trapp asked how many developments like this Dr Stephen Ladyman was involved with. Dr Ladyman informed Members that Oak retirement had 4 developments like this one around the country, but that it would have been the first for SageHaus. Dr Ladyman further informed Members that the sizes of said developments ranged from 36 to 84 dwellings. Dr Ladyman confirmed that SageHaus was named with Passivhaus in mind, using modern building methods and that the photos were indicative of the final build.

When asked by Cllr John Trapp, Dr Stephen Ladyman informed Members that as the Management Team, they would be responsible for the entire upkeep and providing of services to the properties on the development. Dr Ladyman informed Members that the service charges were £250pcm in other developments and that the costs associated were likely to be akin to this.

Cllr Christine Ambrose Smith queried the costs involved in building a community hub. Dr Stephen Ladyman suggested the figure to be approximately 2-3 times that of each property (£700,000-£800,000)

Cllr Bill Hunt asked for clarification on what area specifically the development met market needs for. Dr Stephen Ladyman confirmed the market survey to

have been across Cambridgeshire and West-Suffolk but felt there was also a need in Fordham itself.

Cllr Bill Hunt questioned the longevity of a tenancy of an individual who moved in at 75-80 years of age and what would happen to the property, given that younger people who inherit it would not have been able to move into the property. Dr Stephen Ladyman stated that the average time spent in one of the properties at other sites was approximately 8 years and that individuals who inherit it would sell it and use the money for their own purposes.

The Chair thanked Dr Stephen Ladyman and welcomed comments from the Officers.

David Morren, Interim Planning Manager clarified that this was not an exception site; Officers had not considered it as an exception site, nor were they considering them as affordable dwellings, as they normally would for an exception site.

The Interim Planning Manager stated that Neighbourhood Plans were given weight throughout the report, Neighbourhood Plans were not able to seek less development outside of the Neighbourhood Plan nor the NPPF. Consideration of this application was being weighed against the policies set out in the Senior Planning Officer's report (HOU 6 and GROWTH2 of the Local Plan, as well as Policy 1 of the Fordham Neighbourhood Plan). The Interim Planning Manager encouraged Members to look at the needs identified in the Officer's report and weigh up the benefit of these houses, against the technical objections contained within the policies.

Holly Durrant, Senior Planning Officer, restated that this was not an exception site. The need for affordable homes within the site was dictated by policy HOU 6 of the Local Plan, which required variable percentages of affordable housing, which is why the requirement for 8 units existed. Policy HOU 3 did allow for viability to be advanced, only where it was supported by an appropriate assessment, which had been done. With regards to need: 7.14 of the Officer's report showed a table, prepared by an independent consultant on behalf of the Local Planning Authority, which provided an overall need for market, older individual housing, which this development provided. With regard to the Fordham provision, where there was a 75-bed care home; that property did not fall within the same use class as this proposal, based on the previously stated needs. The other Sanctuary sites also did not fall within the same care need classification.

The Senior Planning Officer stated that the offsite ecology provisions were based on established practice following the mitigation hierarchy set out in the National Planning Policy Framework. It was noted that while it was not a mandatory requirement for this site, such practice would have mitigated for the Biodiversity Net Gain losses.

The Senior Planning Officer confirmed that the images provided were indicative.

With regards to need and mix, the Senior Planning Officer confirmed that the development was predominantly two-and three-bed properties, which met strategic needs within the housing market, as well as allowing for the needs of live in carers, as well as any other needs.

The Chair invited questions to the Officers.

The Senior Planning Officer confirmed that report Z81, table 7.14 indicated the amount of additional housing which was required within the district for older people with and without care.

The Senior Planning Officer asserted that all units within the site were CIL (Community Infrastructure Levy) liable, which was factored into the viability of assessment of the development. The Interim Planning Manager informed Members that CIL was not a material planning consideration and was not to be used in consideration of approving or rejecting this application, as it would have been an imposed levy following approval.

Cllr Bill Hunt queried the size of the gardens on this site, to which the Senior Planning Officer stated that all of the garden sizes were compliant with the Council's regulations.

Following questions on footpaths, parking spaces and access roads, the Senior Planning Officer noted that all parking spaces on the site would have a buffer around them to allow for restricted mobility; and there was to be a footpath offsite on the highway boundary. The Interim Planning Manager drew attention to Condition 3, p125 of the report which stated that the development would not commence until the details for this matter had been agreed and a time frame had been established.

In discussion with Cllr Chika Akinwale, the Senior Planning Officer informed Members that it was not possible for the Council to condition accreditation, as it was a scheme the applicant could enter if desired; it was further noted that it was irregular for the Council to condition the internal arrangement of doors etc., but that the buildings were to be built in accordance with M42 of the Building Regulations and all units had exemplified appropriate access and space for wheelchair mobility.

Upon a query from Cllr Gareth Wilson, the Senior Planning Officer stated that the future resale value of the three affordable units would be established as part of the legal agreement and Heads of Terms but likely would have remained capped at 80% of the market value in perpetuity.

The Chair invited debate.

Cllr Christine Ambrose Smith proposed accepting the Officer's recommendation to approve.

Cllr Gareth Wilson expressed concern about the developers acting outside of the Neighbourhood Plan and development envelope, a sentiment supported by Cllr Christine Whelan. Cllr Gareth Wilson therefore made a proposal for refusal.

Cllr Alan Sharp shared Cllrs Gareth Wilson and Christine Whelan's view, further noting unease with the notion of purchasing biodiversity credits off site. Cllr Sharp did, however, acknowledge these were not material reasons for refusal.

Cllr John Trapp reminded Members the Neighbourhood Plan was not a document which existed to refuse future developments but raised concern surrounding the placement of the development and the lack of affordable housing, suggesting his view leaned towards refusal.

The Interim Planning Manager clarified for Members that Policy 1 of the Fordham Neighbourhood Plan did not restrict the boundaries in absolute, and allowed for instances of accepting planning applications, when consideration had been given to the location and intended use of a development, provided it met a specific identified need.

The Chair invited Cllrs Gareth Wilson and Christine Whelan to provide material planning reasons for refusal, where it was their inclination to do so. Cllr Whelan stated the design of the units were not in keeping with the character of the surrounding area.

Upon request, the Interim Planning Manager informed Members the provision for units within this development being available only to over 65s, in perpetuity, would have been secured through the Section 106 Agreement.

Cllr Bill Hunt expressed concern with regards to the design of the developments and the perceived lack of beauty; the high service charge costs; the suggested lack of time (8 years) residents spent living in these units; the proposed minimal garden space, albeit that it met regulation standards; and the detrimental impact this development would have had on the countryside, and Fordham particularly. Cllr Hunt suggested his high likelihood to support refusal, were such a proposition to come forward.

The Chair adjourned the meeting to allow sufficient time to deliberate material planning reasons for refusal at 16:10pm.

The meeting continued at 16:21pm.

The Chair established that Cllr Christine Ambrose Smith's proposal to accept the Officer's recommendation of approval did not have a seconder and, therefore, failed.

When asked to provide it, Cllr Gareth Wilson stated the following reasons for refusal:

- The development was in contravention of Policy HOU6 of the Local Plan, as the design had an adverse impact on the character of the local area.
- Inadequate parking: the suggestion of continuous tandem parking on the street may have caused inflated levels of traffic in the area.
- Inadequate affordability: the development did not meet the standard policies for affordable housing, with 3 affordable units falling below the target of 40%.
- The application showed a limited range of services related to the housing of elderly residents. Being that the residents were likely to be too old to drive and the development was too far away from services provided within the village of Fordham.

In response, the Interim Planning Manager raised the following points:

- The phrasing of 'inadequate parking' was an issue as the level of parking in the development was policy compliant, per the Council's Local Plan
- Members ought to have considered whether there was a need for the development or not, with the understanding that independent reports were drawn up, which had previously established a need for this type of market housing.
- To the point of affordable housing, an independent viability report had concluded that the viability rationale for the number of affordable units was acceptable, with 3 being an appropriate level. The Interim Planning Manager informed members that 'discounted market rate' was a recognised medium of affordable housing.

Further discussions took place between Members and the Interim Planning Manager. It was established that deferral was not necessarily a possible outcome to pursue; and the wording of the proposal for refusal needed to be more specific, especially if Members were looking to oppose the independent viability assessment.

Following continued deliberations, Cllr Gareth Wilson, seconded by Cllr Christine Whelan proposed refusal on the grounds that the development, as proposed, was considered to cause harm to the character and settlement of Fordham and the surrounding countryside, by virtue of the overdevelopment of the site. It was also considered that the site was located in an inaccessible location, which was not considered to be located within a good proximity by foot or cycle to a range of services and facilities. It was contrary to Policy HOU 6 and GROWTH 2 of the Local Plan; as well as Policy 1 of the Fordham Neighbourhood Plan.

The chair invited Members to vote on the above proposal.

It was resolved with 7 votes in favour, 1 vote against and 1 abstention:

That planning application ref 23/01088/FUM be REFUSED, as the development was considered to cause harm to the character and setting of Fordham and the surrounding countryside by virtue of the

overdevelopment of the site. It was also considered that the site was located in an inaccessible location which was not considered to be located within good proximity by foot or cycle to a range of services and facilities; contrary to Local Plan Policies HOU6, GROWTH2; and Policy 1 of the Fordham Neighbourhood Plan.

42. 23/01403/FUM – The Old Hall, Soham Road, Stuntney, Ely

Gemma Driver, Senior Planning Officer, presented a report (Z83, previously circulated) recommending approval of an application seeking the replacement of an existing marquee with proposed extension including new ceremony room and guest bedrooms below, together with a new office building and associated works.

The Senior Planning Officer thanked The Chair for his good wishes.

Members were shown slides outlining the proposal, including site photographs and elevations.

The main considerations for the application were deemed to be:

- **Principle of development** – The site was outside of the development framework, where Policy EMP2 allowed proposals for expanding businesses in the countryside. It was suggested that the proposal did not harm the character and appearance of any existing building or locality; the proposal was in scale with the location and did not have a significant adverse impact on traffic; the extension was for the purpose of the existing business; any intensification of use did not detract from residential amenity. The proposed development was therefore considered to be acceptable in principle.
- **Design and Character** – Use of bay windows to break up the structure; glazed structure allowed views and connection to original building; office and service yard building while large, were in keeping with the original Old Hall building.
- **Heritage and Archaeology** – Separately Grade II listed building, although little traces remained; a delisting application was in process at the time. Archaeological potential for medieval and post-medieval finds meant a programme of archaeological investigation was to be secured by condition.
- **Highways and Parking** – The existing junction was suitable for the proposed development. The car park was deemed large enough to cater to the increased usage, though the proposal included provision for 3 additional parking spaces.
- **Residential amenity** – No neighbours immediately adjacent to the site. Noise management plan had been previously approved. Conditions were to be arranged regarding construction hours and piling.
- **Ecology and Trees** – Extensive landscaping plan. Proposal included provision for 15 new trees. Although concern had been raised regarding biodiversity net loss, this site was a pre-mandatory biodiversity net gain site. No habitats of any significant value, or priority habitats were identified on site.

- **Flood risk and drainage** – Site located in Flood Zone 1. The LLFA noted surface water was manageable through a system of drains discharging into an attenuation pond.
- **Other material considerations** – The proposal was required to meet the BREEAM ‘Very Good’ standard. The proposal was approved to be completed in phases, related conditions were seen in the previously circulated report. Fire & Rescue had requested a fire hydrant but this was not required as one already existed on site.

In summary, Members were recommended to approve this application on the grounds set out in the report.

In the absence of any registered speakers, the Chair invited Members to ask questions of the Officers.

In response to Cllr Chika Akinwale, the Senior Planning Officer informed Members that Electric Vehicle charging points were required on site, and the number of disabled parking spaces were not required by the Council to be increased.

Cllr John Trapp queried the appearance of the bridal preparation room and its location. The Senior Planning Officer confirmed through photographs and site plans, informing Members that its appearance was in line with the existing development.

The Chair invited debate.

Members commended applicants for the design of the proposal; the length of time owners had managed the site; the employment increases; and the landscaping plans. However, concern was raised about the number of disabled parking spaces and the Biodiversity Net Gain, while not mandatory, not being achieved voluntarily.

Cllr Christine Ambrose Smith proposed approving this application on the Officer’s recommendation. Seconded by Cllr Chika Akinwale.

The Chair invited Members to vote

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

That planning application ref 23/01403/FUM be APPROVED, on the grounds set out in report Z83.

43. 24/00160/ESF – Site at Anchor Lane Farm, Newham Drive, Burwell

Holly Durrant, Senior Planning Officer, presented a report (Z84, previously circulated) recommending approval of an application seeking a battery storage facility and associated works.

Members were shown an outline of the proposal and slides including related site photographs and site plans. The site was adjacent to the existing EDF solar site.

The main considerations for the application were deemed to be:

- **Environmental statement** – Showed that the site would not lead to significant adverse effects on the environment, rather long-term modest to significant benefits were identified.
- **Principle of Development** – National weighting in favour of renewable energy developments. Applicant had an agreed grid connection for immediate connection. Any identified harm resulting from the development was able to be mitigated to acceptable levels. Principle of development was acceptable in accordance with the Development Plan, NPPF and National Policy Statements.
- **Visual amenity and landscape character** – No significant landscape character or visual amenity effects were identified. Some immediate moderate harm and residual low-level harm to the fen landscape and its openness at a highly localised level.
- **Agricultural land and soils** – proposed development would not have resulted in significant effects in terms of loss of BMV or soil quality. Any loss there may have been would only be temporary as the lifespan of this development was 40 years. Biodiversity Net Gain of 58.48%.
- **Residential amenity** – Application supported by a Noise Impact Assessment, which concluded no adverse impacts. Embedded mitigation in the form of 2.5m earth bund. Planning conditions to control noise of construction works, traffic management and decommissioning.
- **Fire safety, pollution and public health** – Application supported by Fire Rescue Safety Management Plan and a Fire Water Management Plan. There were no objections from statutory consultees.
- **Highways, access and movement** – Site was not proposed to be permanently manned. Some traffic impacts during construction. No objection from statutory consultees.
- **Flood risk and drainage** – proposed development was supported by a comprehensive water management scheme. No objections from statutory consultees.
- **Other material considerations** – No heritage impacts upon designated or non-designated heritage assets. No concerns with site security and anti-social behaviour with CCTV and emergency lighting to be secured by conditions. No objection from Minerals and Waste Team at the County Council.

In summary, Members were recommended to approve on the grounds set out in report Z84.

The Chair invited Mr Tim Dobson to address the Committee.

“The landlords and planning team wish to thank Holly our case officer, for your thorough analysis and subsequent report and recommendation for approval.

“We trust that the members of the committee will support your assessment of our project’s many benefits.

“Our consulting team, led by planning consultants PWA Energy Planning Ltd, brings extensive experience of Battery Energy Storage Systems (BESS) applications. PWA has successfully managed over 40, many on farms and PWA’s recent acquisition by the National Farmers Union underscores their credibility in this sector.

“Over the past four years, team members have developed this application to meet and exceed technical and planning local and national standards, especially regarding biodiversity and fire safety.

“We have fostered strong long running relationships and partnerships locally and have significant experience including building a similar 30MW BESS installation for the South Somerset Council in 2018 prior to working for Armtrac in Burwell. We built the Swaffham Prior Ground Source Heat plant building and helped Cambridge County Council to complete the North Angle farm cable route which crosses Anchor Lane farm, National Trust lands and many other landlords.

“Nationally, this application aligns with the UK’s net-zero targets by adding renewable storage capabilities to the grid, positioning East Cambridgeshire as a leader in sustainable energy infrastructure.

“The site is complementary to existing solar farms, creating synergy between renewable generation and storage for a more robust, sustainable energy system for local consumers and nationally.

“Regionally, the BESS installation enhances energy resilience by freeing up capacity for more than 76 other pending grid applications. With its proximity to the substation, the project can provide immediate support for local energy needs.

“Locally, this project offers benefits at all levels. Besides, helping to ensure sustainable energy security it also supports local employment creating opportunities for many local contractors.

“Our BNG plan with its 58% gain (far in excess of the 10% national requirement) will be able to support Burwell’s employment land that’s been set aside in the Burwell Masterplan. This employment land on Reach road is opposite the site where the original UKPN grid application and subsequent land permission granted by the LPA for a Battery in 2020. Working with the East Cambs ecology team, the application will support BNG offset locally and ensure that the BNG plan is effective, measurable and sustainable over time.

“An email from the UK Power Network (UKPN) planning team outlines progress on our connection offer to the grid and confirms that our connection is available immediately. This means we can develop the site straight away

and once complete connect this renewable storage facility to the grid, aiding instantly towards the UK's net-zero targets.

“By supporting this application, East Cambs will in effect be instrumental in unlocking the block across the whole UKPN. Having the system near a substation as opposed to miles away means that any serious security breakdown will be effectively resolved.

“Adjacent to the site is the National Trust land who have agreed to allow our cable route to go across their land using a directional drill, to minimise environmental impacts. The installation of the cable will be carried out by UKPN as the Distribution Network Operator under their statutory powers. The National Trust and Fenland Soil have agreed to support the landlord's diversification plan.

“Farming the land has always been a challenge requiring innovative farming techniques originally used by Roy Brown to get the best out of the delicate topsoil. He was well known for supporting other farmers with similar challenges to ensure the top layer is protected as well as dealing with the fight against black weed from National Trust and newly installed solar adjacent to the site.

“Across from the sites boundary to the north is the Lode and next to the factory is a supportive resident, Phil Meade. The land in front of him used to be orchards and rough fenland and being part of the civil works team, he is motivated to make sure the conditions are carried out properly, as well as potentially providing employment locally for the civil works.

“With regards to fire and security the latest generation of battery packs are incredibly safe and now have suppression systems at battery rack level as opposed to battery container level. The system can activate within 18 seconds of an issue ever happening. This is now the Fire Safety preferred system and has been industry third party accredited. There are no technical objections from any consultees.

“Our case officer has been very thorough with the fire plan for which we are grateful. In partnership with the LPA ecology team, the plan which includes the attenuation pond, could attract a colonisation of water voles and a duty to care plan has been agreed to protect them.

“There are other benefits and any questions are welcome needless to say we have covered the concerns during the consultation and have worked with the LPA to ensure the conditions proposed are realistic and achievable. Thank you for your time, and we ask that you support the officer recommendation”

The Chair invited questions to Mr Dobson

Mr Dobson informed Members that there would be facial recognition as part of the CCTV, as well as an alarm system, when asked by Cllr Chika Akinwale.

When queried by Cllr Christine Ambrose Smith, Mr Dobson suggested that noise pollution would be minimal, due to the remote location and continual assessment of the site.

Cllr Alan Sharp questioned the rise in employment, being that the site would not be permanently manned. Mr Dobson stated that employment would rise with construction of the site and with the high Biodiversity Net Gain, the site would be a designated site, enabling employment growth.

The Chair invited comments from the Officers

The Senior Planning Officer noted that the site may become a habitat bank and that the Biodiversity Net Gain was high in this application but was not something that formed part of the application.

The Chair invited debate.

Cllr Chika Akinwale proposed approval of this application, per the Officer's recommendation. Seconded by Cllr Lavinia Edwards.

The Chair invited Members to vote.

It was resolved unanimously:

That planning application ref 24/00160/ESF be APPROVED, on the grounds set out in report Z84

44. 24/00323/FUL – Land Northwest of Harlocks Farm, Soham Road, Stuntney

Gemma Driver, Senior Planning Officer, presented a report (Z85, previously circulated) recommending approval of an application seeking the change of use of an agricultural field to a dog park with fencing, double access gate and proposed footpath.

The Senior Planning Officer showed slides outlining the proposal, site photographs and site plans. The Senior Planning Officer explained that the site was bounded by an existing fence and that the proposal suggested a new fence, though the plans for the fence had not been provided at that time. the site was accessible via an existing access road off the A142.

The main considerations for the application were deemed to be:

- **Principle of development** – Application was outside of the development framework and in a rural location, where Policy GROWTH 2 restricted development. The exception to this was Policy COM 4 which related to community facilities. Policy COM 4 set out that exceptional circumstances included community facilities within the countryside, dependant on the following criteria: well-located and accessible to its catchment population; not have a significant adverse impact on traffic; not have a significant adverse impact on the

character, locality or amenity opportunities; demonstrated it would be of shared use; and be designed for future adaptation of alternative uses. This specific proposal (dog park) was necessary to be within the proposed location, whereas future adaptation would need to demonstrate appropriateness in this rural location.

- **Residential amenity** – The nearest dwelling was in excess of 380m away. Proposal did not include any provision for external lighting. No concerns regarding the impact of noise on neighbouring properties.
- **Visual amenity and landscape character** – No structures were proposed other than boundary fencing. Introduction of lighting may have resulted in urbanisation of this rural area.
- **Highways and parking** – City of Ely Council raised concerns with regards to the intensification of use of an already troubled junction. The Highways Authority confirmed they had no objections to the application.
- **Biodiversity** – This proposal was exempt from the general Biodiversity Net Gain Condition as the development was subject to the de minimus exemption. Ecological enhancements were proposed in accordance with the local requirements.
- **Flood risk and drainage** – Application was located in Flood Zone 3. The change of use was considered less vulnerable and therefore sequential tests were not required.

In summary, there was a conflict with Policy COM 4 due to the rural location requiring visitors to rely on private vehicles. However, a location removed from residential properties and with a large site area was required for this specific use. This application was considered to complement Ben's Yard, which hosted a number of 'social dog walks' on a monthly basis.

Members were recommended to approve this applications for the reasons set out in the Officer's report.

The Chair invited Mr Alastair Morbey to address the Committee.

Mr Alastair Morbey stated it was not his intent to deliver a speech and welcomed any questions the Members may have had for him.

Mr Mobey explained that this proposal was an opportunity to allow dogs to walk off the lead and build on what Ben's Yard already offered in the form of social dog walks, when queried by Cllr Christine Ambrose Smith.

Cllr Julia Huffer enquired the possibility of introducing play structures for the dogs. Mr Morbey expressed his desire to put anything in that they were able to do, so long as it was able to be subsequently taken down.

Cllr Christine Ambrose Smith asked about the number of dog waste bins on the site. Mr Morbey stated that there would be plenty of dog bins and that multiple already existed on the site.

Mr Morbey informed Members that the fence would be 8 foot high, given that 6 foot was too low, when asked by Cllr John Trapp.

The Chair invited Yvonne Mackender to address the Committee.

“Hello everybody and thank you for allowing me to come and talk.

“I am a dog trainer and behaviourist that works in the area and I also run a dog boarding kennel. I’ve come to talk in favour of this proposal.

“Since Covid, 3 in 10 people have now got a pet and 37% of dog owners are first time dog owners since Covid. So what we’re seeing as trainers and behaviourists is a lot of people, that haven’t got a lot of dog owning knowledge and I feel this accounts for the increase in dog fouling in public places; it also helps to increase the reactivity of dogs and people not having a code of etiquette when walking their dogs, which results in complaints to Local Authority Dog Wardens and to the police.

“So, for me we can’t have enough of these dog walking fields. They are such a service, not only for the dog owners that are using them, but also for the general public at large. For people that have got a dog, which might be reactive to other dogs, or to people, if they can be directed to a secure area where they can let their dog off lead, we would probably get less noise complaints because the dogs are emotionally satisfied and their needs are being met; we would get less harassment because we wouldn’t get unruly dogs running up to children’s parks and play areas.

“So, for me, with the reduction of fouling in public places, the reduction in harassment in public places, the potential to limit noise complaints: the more of these we can achieve, the better for everybody.

“It would also help with the protection of wildlife, farmland and farm animals.”

No questions were received from Members.

The Chair invited comments from the Officers.

The Senior Planning Officer clarified that it was recommended any additional structures were subject to separate application, due to restrictions through conditions.

There were no questions to the Officer from Members.

The Chair invited debate

Cllr Christine Ambrose Smith proposed to accept the Officer’s recommendation of approval. Seconded by Cllr Chika Akinwale.

The Chair invited Members to vote on the proposal to approve.

It was resolved unanimously:

That planning application ref 24/00323/FUL be APPROVED, on the grounds set out in report Z85.

45. 24/00366/FUL – 12 Swaffham Road, Burwell, CB25 0AN

Charlotte Sage, Planning Officer, presented a report (Z86, previously circulated) recommending refusal of an application seeking the demolition of a single garage and construction of two semi detached bungalows and associated works.

The Planning Officer showed Members slides including an outline of the proposal, site photographs and site plans. The application proposed demolition of the existing garage, removal of trees, a new landscaping scheme and 6 car parking spaces.

The main considerations for the application were deemed to be:

- **Principle of development** – Policy GROWTH 2 permitted development within the defined envelope, provided there were no significant adverse effects on the character and appearance of the area. The proposed development, while inside the development envelope, was considered to be back land development and harmful to the character and appearance of the area. The proposed development was therefore considered to be contradictory with Policy GROWTH 2.
- **Backland development** – Backland development was only acceptable if supported in context within the locality. There was no contextual evidence for backland development in this location. This development represented overdevelopment, contrary to: Policies ENV 1, ENV 2 and HOU 2 of the Local Plan; design guide SPD; and the NPPF.
- **Character and Appearance** – Contrary to the design (detached executive style plots) of the neighbouring properties. Proposal was visible from the highway. Proposal represented significant overdevelopment to the rear. There was no precedent within this character area for backland development.
- **Residential amenity** – Bungalows would not have been overbearing or overshadowing. The removal of some trees may have increased the amount of available light to neighbouring properties. Neighbours raised concern surrounding the increased noise from the new driveway. Although noise and disturbance may have increased, it was not of a level to warrant a reason for refusal.
- **Highways, access and movement** – No comments were received from highways. The quantity of parking proposed was in accordance with Policy COM 8 of the Local Plan. No cycle spaces were proposed but may have been secured via condition.
- **Biodiversity** – Proposals would have created a net loss of 39.2% biodiversity. It was acceptable to purchase offsite units to meet biodiversity requirements.

- **Trees** – Significant neighbour concerns raised relating to the impact of development on Leylandii Tree. Soft landscaping scheme required amendments. Condition required for root protection.
- **Other material considerations** – Within Flood Zone 1 but development was considered acceptable in terms of flood risk. The site was not in an area of archaeological potential. No specific measures were put forward relating to climate change.

In summary, the proposal would have resulted in the introduction of built form in a location which ran contrary to the prevailing linear character of this part of Burwell. The application would have created an incongruous form of development, harming the settlement pattern of the area. The proposal by virtue of siting and scale would have represented overdevelopment. For all of the above reasons, Members were recommended to refuse the application.

The Chair invited Mr Phillip Kratz to address the Committee

“This is an interesting one because as you probably know I worked for 17 years at East Cambridgeshire District Council and when I landed here in 1980, we had planning issues to do with design and the one enormous concern we had was not backland development, it was ribbon development. It was our duty to encourage backland development. This was difficult because at the time there was presumptions against tandem development: one behind the other and sharing the same driveway. The policies we founded here made their way through to the structure plan and also to national planning policy guidance, which began to encourage forms of backland development.

“The first step was to look at a satisfactory means of access. I don’t want to correct your officers but the highways authority responded on the 24th of June, approving the access and all of its details. I say this because the starting point is a means of access and, of course, this scheme has two parking spaces per unit, not in tandem form. Therefore, we meet the parking requirement.

“The proposal is for two, modest, semi-detached bungalow developments. I’ve sat in this Committee many times as people have worried about the lack of bungalow developments coming forward.

“The next thing you look at is the principle of good neighbourliness - is there overlooking, overshadowing, any other loss of privacy or overbearing presence. Well of course, its difficult to do that when you have a bungalow and its been accepted since the policies were changed in the early ‘90s to get away with alleging any of those in a bungalow form of development.

“So, we have a satisfactory form of access, no overlooking, no overshadowing, no overbearing presence and no other loss of privacy. Now I as a planning lawyer would label that harm. So you may not like the form of development, but that’s a completely subjective thing. If its policy compliant so far and you’re looking for the harm, I struggle to identify the harm with this development.

"I then move on to the benefits, and of course the form of development in this locality had been ribbon development, and notwithstanding what the officer has pointed out with regard down to no.58, which the report says is 14 dwellings away. Halfway there at no.40 is a backland development; its obvious from the ordinance survey map and it formed part of the agenda papers. So yes, much of the development is ribbon development, but you have a transition when you reach this site (no.40) because there is backland – development behind a development – in the station development. There is development out of kilter with this development because the development line is not honoured. All of a sudden, the building line goes back to be in line with the proposed two new bungalows. This will all make sense if you look at the ordinance survey map.

"The next problem is that when I spoke to the Parish Council, they thought that when they approved the amendments, they had approved the scheme, or raised no objection to the scheme. They didn't understand the subtleties where their previous objection still stood and yet they had no objections to the amendment.

"This has been called into Committee by the local Member so it can have a wider airing. I would suggest that there is no harm from this development. The small glimpse of the site through a gap which would reveal a very low ridgeline does not impact on the street scene in a way that would cause significant harm. But in the meantime you would have two more windfall dwellings that would add to your stock.

"Thank you, Mr Chairman and Members, I would be happy to take any questions"

The Chair invited Members to ask questions of Mr Kratz.

Mr Kratz informed Members that his clients would be willing to build just one detached bungalow, when asked by Cllr Chika Akinwale.

Upon query from Cllr Lavinia Edwards, Mr Kratz suggested that he was unaware of any developments in front of existing neighbouring bungalows, having reviewed the ordinance survey maps.

Following questioning from Cllr Alan Sharp regarding the tree on the left hand side towards the existing bungalow, Mr Kratz stated that it was his client's intent to remove this tree, having taken fully integrated advice on the issue.

The Chair invited comments from Officers.

The Interim Planning Manager drew attention to page 25 of the Council's current design guide, which referred to backland development. It stated that backland development was only acceptable when contextual analysis had been considered. The Interim Planning Manager informed Members that none of the points raised by Mr Kratz were considered to be of material planning consideration with regards to backland development.

The Chair invited Members to ask the Planning Officers questions.

The Planning Officer confirmed the adjacent building south west of the site was a neighbour dwelling's garage, when asked by Cllr John Trapp.

Cllr Julia Huffer queried the back filled development at no.40 and the developments in that area. The Planning Officer noted that they were potentially residential developments, outside of the pattern of development in the locality.

The Planning Officer confirmed that the two previously mentioned rejected applications for 58 Swaffham Road were also in the development envelope.

The Chair invited debate.

Cllr Gareth Wilson noted confusion as to why the development was regarded not in line with other developments to the right and, in turn, why the development ought not to be allowed.

Cllr John Trapp's view was that this represented overdevelopment; that this application may have worked better with only one bungalow development proposed. Cllr Trapp therefore proposed to refuse this application on the grounds set out in the Officer's report.

Cllr Julia Huffer seconded the motion to refuse. Cllr Huffer noted the overdevelopment and the danger of setting a precedent through approval.

Cllrs Christine Ambrose Smith, Chika Akinwale and Lavinia Edwards queried the possibility of deferral. The Interim Planning Manager informed Members deferral was not a consideration for this application.

Cllr Alan Sharp sympathised with the rationale of pushing on the building line to the right of the development but felt this represented an overdevelopment. Cllr Sharp further noted despite Highways raising no objections, the access was very narrow.

Cllr Gareth Wilson asserted the lack of necessity in deferring and stated that the better option was to refuse so that the applicants may come back with a proposal for the development of one bungalow. The sentiment was shared by Cllr John Trapp.

Cllr Christine Whelan felt the access was very narrow and were Members minded to approve, it would have opened the possibility for other backland developments in the area to be proposed, as a precedent would have been set.

The Chair invited Members to vote on the motion to refuse, per the Officer's recommendation.

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

That planning application ref 24/00366/FUL be REFUSED, on the grounds set out in report Z86

46. Planning performance reports – August and September 2024

David Morren, Interim Planning Manager, presented two reports (Z87 and Z88, previously circulated) summarising the performance of the Planning Department in August and September 2024.

The Interim Planning Manager informed Members that ordering of reports was to be changed to reflect, in order, the most recent responses, when asked by Cllr Chika Akinwale.

When queried by Cllr Gareth Wilson, the Interim Planning Manager stated that Neighbourhood Plans existed to outline ways a potential development may be accepted and represented a way to say yes, not no, to potential developments.

It was resolved unanimously:

That the Planning Performance Reports for August and September 2024 be noted.

The meeting concluded at 18:32pm.

Chair.....

Date.....