



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee facilitated via the Zoom Video Conferencing System at The Grange, Nutholt Lane, Ely on Monday, 20th April 2020 at 1:05pm.

PRESENT

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

OFFICERS

Rebecca Saunt – Planning Manager
Angela Briggs – Planning Team Leader
Maggie Camp – Legal Services Manager
Barbara Greengrass – Planning Team Leader
Andrew Phillips – Planning Team Leader
Anne James – Planning Consultant
Molly Hood – Planning Officer
Toni Hylton – Senior Planning Officer
Catherine Looper – Senior Planning Officer
Rachael Forbes – Planning Officer
Janis Murfet – Democratic Services Officer

IN ATTENDANCE

Cllr Lorna Dupré (Agenda Item 10)
Cllr Julia Huffer (Agenda Items 7, 11 & 12)
Cllr Alan Sharp (Agenda Items 6 & 8)

94. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Councillor Lavinia Edwards.

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

95. DECLARATIONS OF INTEREST

Councillor Jones declared an interest in Agenda Item No. 5 (19/00146/OUM, Site South East of 34 – 36 Chapel Lane, Wicken), in that his in laws lived in Wicken on Drury Lane.

Councillor Schumann declared a personal interest in Agenda Item No. 11 (19/01589/OUT, Site East Side of Herringswell Road, Herringswell Road, Kennett) as the applicant was known to him and his family.

Councillor Schumann also wished to clarify that he had called in Agenda Item No. 6 (19/00179/FUM, Potters Cottage, 39 Church Street, Ashley, CB8 9DU) because he had been consulted by the Case Officer shortly after the elections in May 2019 when he was still Chairman of the Planning Committee. The application had previously been brought to Committee and he wished it to come before Members again in the interests of transparency.

96. MINUTES

It was resolved:

That the Minutes of the meeting held on 5th February 2020 be confirmed as a correct record and signed by the Chairman.

97. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- A recorded vote would be taken for the decision on each application;
- Toni Hylton had been promoted to Senior Planning Officer. The Chairman congratulated her on behalf of the Committee, saying that it was thoroughly well deserved;
- Comfort breaks would be taken at appropriate moments throughout the meeting;
- Registered speakers would have 5 minutes in which to address the Committee and they would hear a buzzer at 4 minutes 30 seconds to warn them they were reaching the end of their allocated time. Members were reminded to use the opportunity to ask questions of speakers.

98. 19/00146/OUM – SITE SOUTH EAST OF 34 – 36 CHAPEL LANE, WICKEN

Catherine Looper, Senior Planning Officer, presented a report (reference U204, previously circulated) which sought outline consent for up to 19 dwellings. All matters were reserved and would be considered at the time a reserved matters application was submitted.

The application sought to establish whether the principle of allowing up to 19 dwellings on the site was acceptable, and therefore all plans showing any details of access, layout, scale, appearance or landscaping must be taken as indicative.

Wicken is a small village, linear in nature, with limited development away from the main through-route. The exception to this linear character is the development along Chapel Lane and Drury Lane, which extends away from the High street and Stretham Road. The site subject to this planning application was located between Chapel Lane and Drury Lane. It was mainly grassed paddock land with an existing tree belt to the north and east of the site.

It was noted that Councillor Hamish Ross had called the application in to Planning Committee due to the size of the application.

A number of illustrations were displayed at the meeting, including a site location map, aerial photographs, photographs of the site taken from various viewpoints, and a number of images provided by the applicant.

The main considerations in the determination of this application were:

- Principle of development;
- Visual amenity;
- Residential amenity;
- Flood risk & drainage;
- Ecology and trees; and
- Highways matters.

With regard to the principle of development, the Council was currently unable to demonstrate an adequate 5 year supply of land for housing and therefore the housing policies within the Local Plan 2015 could not be considered up to date. As such, the presumption in favour of development as set out in the National Planning Policy Framework (NPPF) meant that permission for development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework by surrounding development indicated that development should be restricted.

The scheme was considered to be sustainable as it was located close to the settlement boundary and in close proximity to the services and facilities on offer in Wicken. The proposal would contribute to the local housing supply and economy through the construction stage.

Turning to visual impact, the Senior Planning Officer reminded Members that permission for 7 dwellings had already been granted towards the entrance to the site, and for 8 to the north east. The development on this site would therefore be enclosed and with it being set back a significant distance from Chapel Lane, it would not appear highly dominant from the public domain. Dwellings, trees, boundary vegetation and other built form would limit views of the site and it was considered that an appropriate layout could be secured at a reserved matters stage.

In terms of residential amenity, the indicative layout showed that acceptable separation distances between neighbouring dwellings and within the development could be achieved. A suitable scheme could be brought forward which would prevent impacts such as overlooking, overbearing or overshadowing.

The Lead Local Flood Authority (LLFA) were satisfied that a suitable detailed drainage scheme could be achieved at the site and had requested a comprehensive condition be attached to any permission to secure this.

It was noted that the Local Highways Authority (LHA) had raised no objection in principle to the proposals. Suitable access and parking arrangements could be achieved and full details could be considered at the reserved matters stage.

The Preliminary Ecological Appraisal did not expect the development to impact on statutory or non-statutory protected sites or their qualifying features due to its scale and distance from the protected sites. There were no significant habitats present on the site and it was considered that further surveys were not required. Precautionary measures were recommended and these could be secured by condition. The Council's Trees Officer had advised that there was insufficient information in the submitted Tree Survey and therefore an Arboricultural Impact Assessment would be secured by condition.

The Senior Planning Officer reiterated that the S106 Agreement would secure up to 19 dwellings, a 30% affordable housing contribution, education contributions, and wheeled refuse bins.

She concluded her presentation by saying that the proposal would not result in significantly detrimental impacts to neighbouring occupiers and would not be visually harmful to the character and appearance of the area. The application was therefore recommended for approval, subject to the completion of the S106 Agreement.

With the permission of the Chairman, the Democratic Services Officer read out the following statement on behalf of Ms Susan Woodroffe:

'Having lived in this property for the last 32 years, we have experienced flooding many times due to the ditch that runs alongside the proposed development, it then goes under our property, then under Chapel Lane. The volume of water exceeds the capability of the ditch and pipes as it is, this with grass land either side of the ditch, East Cambs Planning Department has already approved housing development on the other side of this ditch. You have already approved development on the site you are discussing now, as well as development on adjacent fields. All this development will have a huge impact on the ability of the current drainage systems that cannot cope now. Before COVID 19 hit the news we all witnessed flooding on an unprecedented scale, and at the heart of the issue was development on green fields which meant that the drainage systems in place are not able to cope.

The last time the pipe that takes the drainage water under Chapel Lane was examined it was found to have collapsed, this was before the building of two houses at the bottom of Drury Lane, which saw huge lorries using the road and causing more damage and subsidence.

Whilst I appreciate that the flooding of our property is no concern of the Council or the developers, it is obviously highly distressing for us. Having several inches of water in your downstairs rooms and the damage this does to your property is huge and long lasting. Added to the fact that the sewage system is already struggling to cope, water pressure is low and for anybody who tries to commute to work can understand our roads are unable to cope with the amount of vehicles using it.

Whoever develops this land will build the largest houses they can to get the maximum amount of revenue back on their investment, they will have little regard to the impact this will have on the community.

Wicken is a small village which has seen unprecedented housing granted recently along single track roads. I see more are in the approval stages with you. I am very concerned that you are considering such a huge development without a site visit where you would have seen the whole picture.

I hope you will at least postpone making a decision until you have visited the site in person.'

At the invitation of the Chairman, Mr Keith Hutchinson addressed the Committee on behalf of the applicants and made the following points:

- The Council is not currently able to demonstrate a 5 year supply of land for housing and therefore the housing policies of the Local Plan are deemed out of date, and the 'tilted balance' of Paragraph 11 of the Framework applies. In this case there are no adverse impacts and so permission should be granted;
- This proposal does not extend development into the open countryside, but merely extends a cul de sac off Chapel Lane already granted permission;

- There are other extant permissions to the north and west as shown in the Committee report;
- The proposal is a logical conclusion to the development already permitted, having little visual impact;
- There will be no adverse effect on neighbouring properties in Drury Lane;
- Our engineers have had lengthy discussions and negotiations with the LLFA and the Authority is now satisfied that surface water drainage can be satisfactorily managed. The attenuation measures will ensure that there is no increase in the rate of surface water run-off from the site;
- The Local Highways Authority has no objection to the proposal, with access and visibility splays already having been found to be satisfactory;
- With regard to ecology and trees, development on the site can be carried out without endangering protected species and protecting the existing boundary vegetation;
- Our clients accept that a S106 Agreement is required to ensure affordable housing is provided and to secure a contribution towards education provision. However recognising the current difficulties of obtaining witnessed signatures of all the parties, they would also agree to the imposition of a negatively worded condition, as set out in paragraph 010 of the Use of Planning Conditions section of the Planning Practice Guidance;
- The proposal constitutes sustainable development and we submit that there should be a presumption in its favour. We therefore ask the Committee to grant planning permission, as recommended in the Officer's report.

At the invitation of the Chairman, Councillors Liz Houghton and Jill Rogers addressed the Committee on behalf of Wicken Parish Council and made the following comments:

Councillor Houghton:

- Wicken Parish Council strongly opposes this application and strongly disagrees with the recommendation to approve; they strongly object to the Committee being unable to conduct a site visit;
- Wicken is designated a small village in all Local Plans. The size of the proposed development contravenes the National Planning Guidance laid down for small villages;
- Since the failure of the 2015 Local Plan, Wicken has suffered with higher than expected levels of speculative development totalling over

93 approved dwellings. The current application for 19 would increase that to 112, a total increase of 33%;

- In the 2015 Local Plan, Wicken was earmarked for an increase of just 10 properties on two sites, not 112. Proportionately, the village has more than contributed to the District's 5 year housing supply and further development represents an excessive load on a single, small community;
- A public meeting held in May 2016 was attended by over 200 residents and there was unprecedented support for the Parish Council's lead in supporting limited development of small scale schemes of 5 – 7 dwellings while opposing excessive, disproportionate development that would threaten the character and infrastructure of the village;
- As a community we are not adverse to development. We are adverse to overdevelopment;
- The site map fails to show a further adjacent site with approval for 7 dwellings to the west of this proposal. There are now approvals for 28 dwellings along Chapel Lane, none of which have so far been brought forward for development. It includes 7 that the current applicants have failed to deliver. The continued development of this one Lane in a small village will dramatically affect the character of the village;
- The Officer states in paragraph 7.4 of the report that the proposal will enhance the vitality of Wicken. It is her subjective opinion, without validity or evidence to support the statement. It is not a material planning consideration and should not be included;
- The proposal will set a precedent for other nearby greenfield speculative applications. It seems the Planning Department is determined to undermine this conservation village by failing to safeguard the character and essence of our community. No reference or consideration has been given to the Wicken Fen Safeguarding Area;
- No reference or consideration has been given to sustainability. Wicken has no school and our children are strewn across 5 different local primary schools. The school bus only takes children to one school in Soham, the rest have to travel by private car or taxi;
- Wicken has no public transport apart from one bus service per week. Residents have to drive to work, to shop and to access medical services;
- An additional 19 dwellings would further increase traffic movements. This is not sustainable under the NPPF and will increase existing highway safety concerns;
- Sewage and drainage are ongoing issues. The sewage system struggles with current levels without the 93 approved properties;

- The flood risk for this site is proposed to go from 1:1000 to 1:100. We are concerned that the SuDS and drainage works proposed do not mitigate the local problems and will only add to the current difficulties;
- We have already encouraged and supported the development of an affordable housing scheme which is currently being built in Hawes Lane. This is based on an evidenced Housing Needs Survey for the village. A further allocation of affordable housing is unnecessary and unwarranted, so the 30% allocation detailed in the proposal is, in our opinion, a red herring;
- We have demonstrated that the application fails on the following grounds:
 - Sustainability and infrastructure
 - Flooding, drainage and sewage
 - Adversely affecting the character and residential amenity of Wicken
 - Lack of consideration of the Wicken Fen Safeguarding Area; and
 - Lack of a site visit by the Committee.

Councillor Rogers:

- Councillor Houghton had summarised the Parish Council's objections and drawn attention to the very strong opposition to the application from the residents of Wicken;
- Although Highways had approved the access and visibility, the development would increase traffic movements;
- Members were asked to reject the application.

In response to a question from Councillor Brown, Councillor Houghton said that there were already 25 permitted schemes in the vicinity of this application, with 3 more in Chapel Lane.

Councillor Jones asked how the traffic and visibility splays in Chapel Lane impacted on the main road and getting in and out of the Lane; he also asked if any traffic surveys had been carried out. Councillor Houghton replied that there had been surveys in the past because of speeding. Access out onto Butts Lane and Drury Lane was very dangerous and it was not always easy to see onto the main road. Chapel Lane was a national Sustrans Cycle Route.

Councillor Trapp noted that there seemed to be some dispute about flooding and he asked for the Parish Council's perceptions. Councillor Houghton said that there had been three requests made for site visits with the agent and the Lead Local Flood Authority but they had never happened. It was known that the ditches could not cope and there was much run-off from

the top road. The Parish Council was concerned that the old drains were not up to the job.

Councillor Wilson asked the Case Officer to explain about the access road through several buildings. She replied that on the block plan they were previously approved at the front and surrounded the indicative access road. Barabara Greengrass, Planning Team Leader, interjected to add that of the outbuildings, the old cattery was to be removed; this was covered under the previous permission for the dwellings at the front of the site.

Councillor Trapp sought clarification that the development site was outside of the development envelope. The Senior Planning Officer confirmed that this was correct, but the site was surrounded by development.

Councillor C Ambrose Smith remarked that the wooden buildings were business premises and although the site was outside the development envelope, it did not feel as though it was out of Wicken.

Councillor Jones said he was familiar with the area and he agreed with Councillor Ambrose Smith that the site felt as though it was part of Wicken. Whilst appreciating the Parish Council's view, he believed that to some degree the proposal felt like natural infill. However, he did have concerns regarding the access because it was a winding road, there would be an increase in traffic and the footpaths were not so good. The main highway was a very busy road and accidents could be caused. He felt that if the outline application was to be approved, there should be a caveat in the S106 Agreement requiring improvements to the road safety features.

Councillor Brown reminded Members that the LHA had raised no issues and more appropriate measures could be secured if the application was approved. He also reiterated that with regard to affordable housing, there were two other permissions under the threshold.

On this latter point, Councillor C Ambrose Smith said the potential for 5 affordable dwellings was to be hugely welcomed, but at the same time she felt for Ms Woodroffe.

Councillor Schumann asked what response had been received from the Conservation Officer. The Senior Planning Officer checked her report and advised that no comments had been received as the proposed site was outside of the Conservation Area. However, Cambridgeshire Archaeology had considered that a programme of archaeological investigation should be secured through the inclusion of a negative condition.

Councillor Schumann continued, saying that he was surprised that there had been no comments as the Conservation Area almost abutted the site. Wicken was characterised mainly by road frontage dwellings with some natural infill, and it had been positive for Wicken that people could stay and live in the village. However, this was a large development and he believed the scale to be inappropriate and not in keeping with the built form. Councillor

Jones had expressed concerns about road safety and the A1123 carried many heavy vehicles. He was therefore minded to refuse the application.

Councillor Trapp said he took on board Councillor C Ambrose Smith's comments about affordable housing, but questioned whether it would be of use in a village miles away from anywhere with no public transport. He agreed with Councillor Schumann that Wicken was a linear village and he too felt that the proposal was too much development and quite out of character with the area.

Councillor C Ambrose Smith responded, saying that the affordable housing could be needed by key workers, and Councillor Downey said he supported this point of view. If the use of cars was ruled out, then much of East Cambridgeshire would be ruled out of having affordable housing; houses should be built in areas like this.

Councillor Wilson thought the Committee should accept the Officer's recommendation because affordable housing was needed and the number of affordable dwellings should be 6 rather than 5. Members could not go against the LHA and a S106 contribution for road safety would be more acceptable.

Councillor Trapp questioned the idea of affordable housing in remote areas.

Councillor Jones commented that it was difficult to move back into Wicken and that the proposal would keep local people by providing affordable housing.

Councillor C Ambrose Smith commented that there were a lot of key workers in Littleport, and that the journey from Wicken to Cambridge was a similar one to that of Littleport.

It was proposed by Councillor Schumann and seconded by the Chairman that the Officer's recommendation for approval be rejected and that the application be refused planning permission.

The result of the recorded vote was as follows:

For: (6 votes): Councillors Austen, Brown, Hunt, Schumann, Stubbs and Trapp;

Against (5 votes): Councillors C Ambrose Smith, D Ambrose Smith, Downey, Jones and Wilson.

It was resolved:

That planning application reference 19/00146/OUM be REFUSED for the following reasons:

- It is not in keeping with the built form in Wicken;
- There are concerns regarding highway safety;

- It will have a visual impact on the Conservation Area; and
- It is out of character with the area.

99. 19/00179/FUM – POTTERS COTTAGE, 39 CHURCH STREET, ASHLEY, CB8 9DU

Anne James, Planning Consultant, presented a report (reference U205, previously circulated) which sought full planning permission for 16 residential dwellings with access, car parking, landscaping and associated infrastructure.

The Update Document stated that the LLFA had requested a condition to ensure that the swale was constructed on land to the north of the site in conjunction with a stud farm planning application. However, this application had expired and therefore the condition could not be imposed. The applicants had included a clause within the S106 Agreement to ensure that prior to commencement of development a swale would be constructed on the adjacent site which was within the applicants' ownership and that this area would be managed and maintained and the LLFA were happy with this.

The site comprised an irregular shaped area of arable land located to the rear of properties 21 – 39 Church Street. The majority of the site was outside of, but adjacent to in places, the established development envelope of Ashley. The access into the site lay within Ashley Conservation Area, with the main bulk of the site on which the dwellings were proposed outside of this area. The Parish Church of St Mary, a Grade II Listed Building, was located to the south east of the site on the opposite side of Church Street. There were also a number of other Grade II Listed Buildings close by, including Nos 29 and 33 Church Street, the former adjoining the southern boundary of the site.

It was noted that this application was being determined by the Planning Committee in accordance with the Council's Constitution. It had been called in to Committee by Councillor J Schumann on the basis that application reference 17/00387/OUM was refused by Committee in 2017 and therefore it was a matter of public interest that the resubmitted scheme be considered by Committee.

A number of illustrations were displayed at the meeting, including a map, aerial view, photographs of both the site and its surroundings, elevations, and the detail of the proposal.

The main considerations in the determination of this application were:

- Principle of development;
- Cultural heritage;
- Visual amenity;
- Housing mix;

- Residential amenity;
- Drainage and flood risk;
- Highway safety; and
- Ecology and biodiversity

In terms of the principle of development, the proposal was located close to the development envelope. It would be of a high quality of design and use of materials, and would contribute to the Council's 5 year housing land supply. The scheme proposed 40% affordable housing and it was considered that the application addressed the previous reasons for refusal and could now be supported in principle.

It was noted that a modern housing scheme for 28 dwellings was refused in 2017 due to the substantial harm to the historic significance of the area. In this application the number of dwellings had been reduced to 16 and design advice had been sought from Historic England. The present scheme had been submitted on the basis of that advice and it was considered that the development would no longer result in harm to the Conservation Area.

The layout had also been improved with the majority of the development located towards the western end of the site. Views from the access road and Church Lane were now improved.

Speaking next of residential amenity, the Planning Consultant said that there was a good spatial relationship with existing properties. The separation distance was sufficient to ensure that the proposed dwellings would not be overbearing or cause any significant loss of privacy to existing residents on Church Street. On balance it was considered that the scheme complied with the East Cambridgeshire Design Guidance and would provide a good standard of living environment.

Members noted that the only access to the site was within the Conservation Area, and apart from the entrance, there was no other development within this area.

The Council's Conservation Officer had objected to the scheme on the basis of previous concerns that had not been addressed in the current scheme. However, Historic England had commented in detail on the scheme and were satisfied that the quantum of development, scale, massing and detailed design of the houses would be contextually sympathetic to the adjacent Ashley Conservation Area. Previous concerns had been addressed and the site would not cause harm to the significance of the Conservation Area in terms of paragraph 194 of the NPPF.

The Local Highways Authority had not objected to the scheme, considering that it would not generate significant traffic implications to the detriment of highway and pedestrian safety.

The application was accompanied by an Ecological Impact Assessment which indicated that the site had a low ecological value, being made up of arable farmland/improved grassland framed by hedgerow. The Cambridgeshire Wildlife Trust were satisfied with the proposed mitigation and enhancement measures and recommended that a Biodiversity Management Plan be submitted.

The application site was located in Flood Zone 1 and therefore had a low probability of flooding. Test results were awaited, but extensive negotiations with the Environment Agency and LLFA had resulted in an acceptable sustainable urban drainage scheme (SuDS) which would be covered in the conditions of the consent and via the S106 Agreement.

The Planning Consultant concluded her presentation by saying that there was a presumption in favour of sustainable development and the principle of development was acceptable. The application was therefore recommended for approval, subject to the completion of a S106 Agreement.

At the invitation of the Chairman, Mr Keith Allen addressed the Committee and made the following points:

- In September 2017 it was concluded that the previous application was in breach of 2 policies in the Local Plan and 7 policies in the NPPF and it was the principle of building beyond the established historic pattern of development which was at issue;
- Today we were looking at a proposed site in exactly the same place and the conclusion should be the same, it was the principle of development which is an issue
- Historic England appears to have been swayed by the new design proposal, but the Council's Conservation Officer still resists the application and his key objections have been omitted from the Planning Officer's report;
- If this application is approved today it will be totally inconsistent with the decision you reached only 2½ years ago;
- The application provides little detail of the design specifics yet Historic England have removed their objection specifically because of the design;
- We have a flood mitigation system that has been in place for over 35 years and has prevented flooding of mine and adjoining properties. Flash flooding from the whole field during extreme rainfall gathers in the south west corner of this site and goes into gardens of houses on Church Street;
- If the condition to require a swale as part of a stud application cannot be enforced because it is not on this site, then planning permission must be denied until this situation is resolved;

- The access road is out of keeping with any other part of the village. Access onto Church Street is difficult because resident's cars will be parked right up to the entrance, completely blocking the view when wanting to exit to the west;
- All the households will rely on cars, so the potential for conflicts and accidents will occur several times a day;
- I worry that this site will ever be built;
- There is no support from the village for this development. It is out of keeping with the environment and is quite isolated from the village and is partially obscured;
- The site is a particularly bad example of backland development.

At the invitation of the Chairman, Mr Peter McKeown, applicant, addressed the Committee and made the following remarks:

- He welcomed the recommendation for approval as the scheme would provide 16 additional housing units;
- Ashley was a sustainable village with a range of facilities and services;
- In response to the previous scheme having been refused, this application had been subject to extensive pre-application discussion with the Council and Historic England and there has been a reduction in the number of dwellings;
- Contextually, the development was acceptable and would not impact on the Grade II Listed Church. There would be no development on the east side of the site and views would not be disturbed;
- Much thought had gone into the design and it responded positively to context;
- It would be a high quality development and a natural extension to the village;
- It would meet local need and add to the Council's housing supply;
- The dwellings would have large rear gardens. The scheme would respect the amenity of the neighbours and would not be overbearing or cause a loss of privacy;
- The access was supported by the LHA and there would not be an increase in traffic;
- The development would have deep bore soakaways. The management of the SuDS and the introduction of a swale would be secured within the S106 agreement. The management of open space would also be included;

- This sustainable development would bring forward 6 affordable dwellings. It had been guided by Historic England and the presumption should be in favour of approval.

Responding to a question from Councillor Brown, Mr McKeown said there was a post office, pub, church, public hall and a village green in Ashley and it was close to Cheveley and Newmarket where a range of facilities were available.

Councillor D Ambrose Smith asked when the development was expected to be completed and Mr McKeown replied that work had to commence within 2 years. Allowing for the discharge of pre-commencement conditions, it would take a year to build and he anticipated delivery within the next 2 years.

Councillor Jones queried why the internal roads would not be laid out to an adoptable standard and Mr McKeown responded that it had always been intended they should be, so that refuse vehicles could access the site. Councillor Jones continued, seeking clarification regarding drainage in relation to the conflict with the grass verge. He was advised that there was enough space for the swale and the intention was to deliver it; Condition 27 referred to the management and maintenance of surface water drainage.

The Chairman said he shared Councillor Jones' views regarding adoptable roads and Mr McKeown confirmed that the roads would be built to adoptable standards to meet County Council specifications.

At the invitation of the Chairman, Councillor Sarah Howell addressed the Committee on behalf of Ashley Parish Council and made the following points:

- Ashley is a small village and was identified as suitable for infill housing only in the 2015 Local Plan because it does not have the infrastructure to provide for greater growth;
- The site is outside the development envelope and under the 2015 Local Plan should not be approved;
- The site is totally cut off from the village. The location is not sustainable as access is down a road 120 metres long, bordered on one side by a graveyard and the backs of gardens on the other;
- The Conservation Officer objects strongly to this site, saying that the design of the model farm is at odds with the real farm immediately adjacent;
- Highways will not adopt the road because the layout unsuitable for adoption;
- The Waste team has raised concerns about the turning circle and those concerns do not appear to have been answered. There appears to be

no waste strategy in place for this development and no waste strategy is included in the conditions;

- The road layout will cause even more parking problems. Almost every house in the development has tandem parking and it is totally inappropriate for the tight circular layout of this site;
- The Case Officer said that one of the key conditions relating to mitigating flood risk from adjoining land cannot be met. How did the LLFA feel about that?
- The land adjacent to the north where the swale was to be located was being marketed;
- The housing mix bears no relation to the mix that is wanted for this region. The proposal may be offering 6 affordable homes, but open market homes are not what is needed;
- No plans are in place for the 2 public areas and paddock on the site. They will fall into communal ownership, to be managed by the residents;
- Too many matters have not been agreed;
- The commercial reality is that this will be a private development and the residents will be responsible for maintaining an expensive brick road surface, a drainage system requiring 30 deep borehole soakaways, street lighting, 2 open spaces and a paddock. It does not sound suitable for affordable homes;
- The scheme is in breach of paragraphs 78 and 91 of the NPPF, and Policies HOU1, ENV1, ENV2 and COM7 of the Local Plan. It will cause irreversible damage.

Councillor Stubbs asked Councillor Howell for the Parish Council's stance now that the LLFA had removed its objection to the proposed development. Councillor Howell replied that the Parish Council was worried about drainage because the ground was very solid. With 30 deep borehole drains and the requirement for a swale to the north of the site, they did not think the application could be approved.

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

- He was not a Ward Member at the time the application was called in;
- Members should listen to the professionals and yet the Conservation and Trees Officers had both objected to the application;

- The proposal was at odds with Policy ENV1 and the Conservation Officer had said that the scheme would fundamentally alter the Conservation Area rather than preserving or enhancing it;
- The Trees Officer acknowledged that some concerns had been mitigated, but there would still be an impact on the landscape;
- The LHA had no objection but there were serious issues along these roads. While the developer could not be held accountable for existing problems, they could not be ignored and this scheme would double the number of dwellings;
- Flooding was a major issue with the probability of it being severe.

Councillor Schumann commented that he had called in the application to ensure that the Committee could discuss it. He reiterated that the Conservation Officer believed the development would have significant impacts in Ashley.

Councillor Sharp concurred, adding that the site was a bit remote with a tight access road.

Councillor Trapp expressed concern that the swale was not included in the development and believed it would have been helpful if it had been.

In connection with the SuDS on site, the Planning Consultant commented on a number of points.

She reminded Members that the results of the infiltration testing had been sent to the Environment Agency and the LLFA, and both were content. With regard to the stud land to the north of the site, although this application had lapsed, the swale had been included into the S106 Agreement to be constructed before the start of this development. As a results of the infiltration tests, the boreholes would provide a robust drainage system, which would improve the existing drainage issues experienced in Church Street.

The access road was also of a sufficient width to adequately accommodate additional land to the side to act as a swale.

With regard to the impact on the historical character of the area, there had been some conflict. However, paragraphs 7.4.6 – 7.4.9 of her report went into great detail about the impact, and the scheme had been assessed on the level of harm to designated heritage assets which is balanced against the benefits. It was considered that the benefits outweighed the harm.

Councillor Trapp made the point that some of the detail on the map was difficult to see because it was very small. The Planning Manager said that all the plans were available on the public access, where they could be viewed in more detail.

In proposing that the Officer's recommendation for approval be supported, Councillor Wilson said he was pleased to see 40% affordable housing and he believed that any marginal problems could be resolved.

The Chairman seconded the motion for approval, saying that a 'huge' amount of work had gone into the application.

Councillors C Ambrose Smith and Jones both declared their support for approval, but Councillor Schumann expressed a contrary view. The Conservation Officer was a statutory consultee and he had objected to the proposal; the villages around Newmarket had a unique nature and that was why he had tried to protect Ashley.

Councillor Schumann said that he also gave great weight to this opinion and he did not believe the scheme had been changed enough to warrant approval. Councillor Austen said she was minded to agree with him.

The Committee returned to the motion for approval and the result of the recorded vote was as follows:

For: (7 votes): Councillors C Ambrose Smith, D Ambrose Smith, Brown, Downey, Hunt, Jones and Wilson;

Against (5 votes): Councillors Austen, Schumann, Stubbs, and Trapp.

It was resolved:

That planning application 19/00179/FUM be APPROVED subject to the signing of the S106 Agreement (in accordance with the Planning Committee Update) and the recommended conditions as set out in the Officer's report, with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 Agreement and to issue the planning permission.

There followed a short comfort break between 3.20pm and 3.30pm.

100. 19/00376/OUM – LAND OFF STATION ROAD, ISLEHAM

Andrew Phillips, Planning Team Leader, presented a report (reference U206, previously circulated) which sought outline permission for up to 110 dwellings, with access only being determined at this stage. He made a correction to his report to say it was originally submitted for up to 215 dwellings and originally approved for up to 215 as stated in paragraph 2.2 of the report.

During the application process the developer had sought to overcome concerns raised in respect of archaeology, transport and education contributions.

The proposal also included 6 metre wide access roads (2 metre footpaths) on both Station and Fordham Road, public open space, associated infrastructure and additional field planting to the south of the site.

The site was an agricultural field between Fordham Road (to the northwest) and Station Road (to the east). There were existing farm buildings and dwellings to the north of the site. The character of Station Road was dwellings on either side of the road with gaps to the wider countryside to the west. The site formed an important transition between the built form of Isleham to the wider countryside to the south along Fordham Road. There were rows and copses of trees, including hedgerows, to the south of the remainder of the agricultural field.

It was noted that the application had come before Planning Committee due to the Council's Constitution and because the application was an outline of over 50 dwellings.

A number of illustrations were displayed at the meeting, including a map, aerial view, photographs of the site taken at Fordham Road and Station Road, the access roads and an illustrative Masterplan.

The main considerations in the determination of the application were:

- Principle of development;
- Highways and parking;
- Visual impact;
- Residential amenity;
- Services/infrastructure;
- Housing mix; and
- Flood risk.

As the Council was currently unable to demonstrate an adequate 5 year supply of land for housing, all local planning policies relating to the supply of housing had to be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development as set out in the NPPF. This meant that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweighed the benefits.

Paragraph 78 of the NPPF made it clear that new housing could help village services and that settlements could support each other via their individual services.

It was specifically noted that the Isleham Early Years/Primary school was running at above capacity, with existing residents and approved developments.

The proposal was considered to be acceptable in principle, given its close proximity to the village framework.

Both the LHA and its Transport Team were supportive of the application, subject to conditions and with the requirement of a Travel Plan also included within the S106 Agreement. With a low density scheme there was no concern that suitable parking arrangements could not be accommodated in a later reserved matters application.

With regard to visual impact, the number of dwellings had been reduced in order to meet the concerns of the Council's Landscape Architect, to ensure the proposal blended between the settlement edge and the rural countryside. It was considered that there might be a moderate local harm to the overall landscape character of the area, but this could be partially mitigated by the provision of open space and landscaping in accordance with the submitted proposed Masterplan.

With the scheme having such a low density (13 dwellings per hectare/5.2 per acre), there was no reason why residential amenity could not be secured at a reserved matters stage. Conditions were recommended to protect residents during the construction phase and that the site was fully investigated for potential contaminates.

Speaking of services and infrastructure, the Planning Team Leader said that the S106 Agreement would provide money towards education, with priority being given to early years/primary provision within Isleham; secondary education would be in Soham.

Community Infrastructure Levy (CIL) payments would allow money to go to medical provision within Soham and it was noted that the Parish Council also received money through CIL to help provide for local infrastructure improvements.

The proposal would be required to provide at least 5% self-build units and 30% affordable housing with a mix of 77% rented and 23% shared ownership. There would also be a requirement to provide for the elderly or those with disabilities. Reserved matters would determine the final number of bedrooms housing mix.

It was noted that the application site was located within Flood Zone 1. The Environment Agency was seeking to ensure that surface water was suitably dealt with and that any contamination was tightly controlled, as the site was an important source of drinking water.

The LLFA had removed its objection and Anglian Water had confirmed that there was capacity for foul water.

The Planning Team Leader concluded his presentation by saying that the application was recommended for approval, subject to the signing of a S106 Agreement and the recommended conditions.

With the permission of the Chairman, the Democratic Services Officer read out the following prepared statement of objection on behalf of Ms Hayley Davies:

'Firstly, we were quite shocked to see a piece of land like this put forward for planning, we always thought that it was classed as being outside of the development envelope.

As a homeowner on Station Road we have objected throughout this whole application process.

The beauty of living down this road is that from both the front and behind we have stunning views across land such as this which is unspoilt. Isleham is well known for having farm land and we are lucky to have these stunning views down Station Road, we do not need a housing estate extending out of the village.

- Isleham is a small and fairly quiet place to live, it has grown in size considerably over the years and adding more houses is going to take away the charm of this lovely village*
- This piece of land as already stated above is outside of the development envelope, it should be for agricultural use and by passing it your just allowing the spread of houses to go beyond the boundary and will also devalue the homes that are already built there*
- The village shop and Primary School will not cope with the amount of houses already going up and that is without these ones as well if it gets passed*
- The proposed entrance to this plot for Station Road is directly opposite our house, we are on a bend in the road and the speed the traffic goes at currently is well above the speed limit, you take your life in your hands most days pulling out of your driveway on to the road*
- I strongly disagree with the speed assessment that was carried out, and I am sure Fordham Road residents would agree- these 2 roads are used as race tracks and they are an accident waiting to happen*
- I can see the applicants have tried to add in 'a sweetener' by means of bus stops, but reading over the document I cannot see a commitment of any bus companies offering additional pick ups or drop offs to the village, the current service which runs to Isleham is not practical to most therefore almost all families have cars. If these houses go ahead how many more additional cars does that mean will use our roads?*

If you allow this application to go ahead, you will spoil the view forever and it can never be returned. Isleham does not currently have large plots like this within its village, what is to then stop other land owners coming forward with large plots of land like this, by passing this one does this not then give those other land owners more weight to throw towards their own applications.

Please consider this letter a very strong objection towards this application and we plead with you to refuse it.

If you do happen to pass this application, we do please ask if you can reconsider where the opening is on Station Road and perhaps the quantity of houses which you allow on to the plot and where they are located. Please think about how you will devalue and overlook people's homes, many of which have lived in these houses for a very long time.'

With the permission of the Chairman, the Democratic Services Officer read out a second statement of objection on behalf of Mrs Gill Miller:

'I own the property(6 Station Rd) situated adjacent to the proposed new development, having written to you with my objections twice previously listing my concerns I would now like to add the devastating impact that this will make to me as well as the village.

Having moved to the village in 2003 to run a small business with my husband and choosing a property with an outlook across open fields I was not surprised that after he suddenly and tragically died in 2014 leaving me without income I could not get planning permission to build on my land, thus helping me secure a good financial future. I was advised that it was outside the village envelope and not in the village plan and it was prime agricultural land.

Although I did eventually get permission for one single dwelling on the footprint of the old workshop it did not impact on the wild life the views or the infrastructure of the village. Both of those property's will now be undervalued as the new development backs directly on to them and in fact is making them unsellable (listed since October 2019) with the unknown outcome of the development. The description, the privacy and the charm of my property will be totally ruined if this is allowed to go ahead, Nos 6 and 6a are the only properties affected in this way.

I am a retired 68 year old relying on selling my property to create a liveable pension and adding another huge development to a fen edged village without schools, Doctors, buses, or roads should not be an option when the quota to Isleham is already met.'

With the permission of the Chairman, the Democratic Services Officer read out a prepared statement on behalf of Mr Paul Rowland, agent for the applicant:

'Thank you for the opportunity to provide comments on this application before you make your decision. We are pleased to note the favorable recommendation presented by your officers in the published report. This follows detailed and positive discussions between my clients' team of consultants and your case officer over 12 months and we would like to thank you for the constructive approach taken by your officer and his advisors throughout the process.

You will have seen from the report that our discussions have led to a significant reduction in the scale of development proposed down to 110 dwellings, so that

the character of this edge of village site can be dealt with sensitively at the reserved matters stage. All the other concerns raised by the officer have been addressed and the point reached where, when balancing all material considerations, the proposal is considered by him to be acceptable. Indeed he recognizes the benefits of additional housing and additional affordable housing, in coming to this conclusion.

Our client has provided signed copies of the necessary S106 obligation to your Council's Solicitor in advance of this meeting and we would urge you to adopt the recommendation of your officers and resolve to grant outline permission subject to the conditions set out in the report today.'

At the invitation of the Chairman, Councillor Richard Radcliffe, Chairman of Isleham Parish Council addressed the Committee and made the following remarks:

- This proposal was not locally led and it was in the wrong place and objected strongly to it;
- It would have an unacceptable impact on the community and would not make the village more sustainable;
- Additional bus stops were not enough to make the village more sustainable;
- The village would grow by 20% and there would be 75% more homes proportionately. It was not clear how there was a need for housing on the site;
- Children could not get places in the local school and leaving the village by car was the only option;
- Employment was limited in the village, so more reliance on the car;
- There was no footpath or cycleway in Isleham and the development would generate higher levels of traffic;
- The proposed site was outside the development envelope;
- Key entrance would be lost and such a large scale development would destroy the character and image of the village;
- The views might not be outstanding, but homes were needed in the right place.

Councillor C Ambrose Smith noted that the Case Officer had said that a search was being undertaken for a new school site so it was possible that Isleham could have a primary school in a couple of years. The village had a good sports centre, pubs, shop etc. so it was not without facilities. Councillor Radcliffe replied that the school was already at capacity and a site had yet to be identified. Until a school was available, it was inappropriate to subject the children to being bussed to school.

Councillor Trapp asked for an estimate of the usage of public transport and Councillor Radcliffe replied that he had only ever seen one person on the bus, so usage was almost non-existent; the only other public transport were the two shopping buses a week to Newmarket.

At the invitation of the Chairman, Councillor Julia Huffer, a Ward Member for Fordham and Isleham, addressed the Committee and made the following comments:

- She was also speaking for Chippenham and Fordham;
- This was a quiet rural community. Its small Co-op did its best, but it would not be able to cope with the additional burden of a development of this size and the facilities of the village have no more capacity;
- Highways had completely missed the point because the scheme would generate a minimum of 220 vehicles, and having them use the lanes would be harmful at the very least;
- Chippenham saw 40 thousand cars going along the road and Fordham was groaning under the strain of 600 houses, so it could not cope with any extra traffic;
- Had not this Council declared a climate emergency? This was an application for 110 new houses where there was little or no public transport;
- The Education Department had not excelled itself because another 500 extra school places would be needed. Children would have to be taken to school on buses or in cars and some parents would be faced with the prospect of having three children at three different schools;
- With regard to flooding, the LLFA would be ignored at its peril;
- This development would cause devastating harm and the application should be refused.

The Planning Team Leader said the developer had offered land for a primary/early years school to the County Council but this had been turned down; a financial contribution would be sought instead with priority being given to it being spent on Isleham first, and St Andrew's School in Soham second.

The LLFA had removed its objection and the drainage was considered acceptable.

Transport was not just about the access points, it was also about transport movements onto the highway.

Councillor Huffer responded by saying that the crucial point was the financial contribution would be spent in Soham, not Isleham and this would not solve the problem.

Councillor Trapp wished to know if bus stops would be on both the Fordham and Station Road. The Planning Team Leader replied that there would be two stops

that the bus service was required to stop at. This was covered by Condition 18 and confirmed by the County Council. However, it would not increase the number of buses going through the village.

In response to a question from Councillor Schumann, the Planning Team Leader confirmed that Isleham was undertaking a Neighbourhood Plan, but it was in its very early stages. The Planning Manager added that Officers had yet to have sight of the Plan due to its early stage.

Councillor Brown considered it to be unacceptable to install bus stops without also providing shelters and expect people to stand out in all weathers. He was concerned what the application as a whole was doing to Isleham, as the village was taking a huge amount of development and this was over the top. It was making the village unsustainable and he believed the demonstrable harm outweighed any benefits. The visual impact would change the character of the area and the application should be refused.

Councillor Trapp considered the proposal to be a step too far because the development would be moving out towards the open countryside and the village did not have any real public transport. He proposed that the Officer's recommendation for approval be rejected and the application be refused planning permission.

The motion was seconded by Councillor Stubbs, as she believed the scheme would completely change the character of the area and create an intrusive urbanising impact. Councillor Schumann concurred, saying that the proposal would be unsustainable because there was no infrastructure to support the number of dwellings. Furthermore, under paragraph 49a of the NPPF it would undermine the Plan processes.

Councillors D Ambrose Smith and Downey took an opposite view. The former did not believe the development would harm the area at all and he reminded Members that this Council was taking part in a review of local bus services. Councillor Downey said there was a greater need for public transport and he was struck by the paradox of public transport in Isleham because it was insufficient and people were not using the buses that did run; there did seem to be capacity for the development.

The Committee returned to the motion for refusal and the result of the recorded votes was as follows:

For: (7 votes): Councillors Austen, Brown, Hunt, Jones, Schumann, Stubbs, and Trapp;

Against (4 votes): Councillors C Ambrose Smith; D Ambrose Smith, Downey, and Wilson.

It was resolved:

That planning application reference 19/00376/OUM be REFUSED for the following reasons:

- There is insufficient infrastructure to support the development;

- Does not compliment the character of the village and will harm the character;
- It is not in keeping with the village; and
- The cumulative impact.

101. 19/01386/FUL – GOSLING COTTAGE, 165 THE STREET, KIRTLING

Anne James, Planning Consultant, presented a report (reference U207 previously circulated) which sought consent to demolish the existing cottage and outbuildings and erect five dwellings together with associated cartlodge/outbuildings, parking and access point on land at 165 The Street.

It was noted that this application was the re-submission of a previously refused scheme considered by Committee in August 2019 and the site area had been reduced.

The site comprised an irregular area of land located to the south west of Kirtling village in the south of the District. It currently supported a centrally located detached two storey cottage with a vehicular entrance adjacent to the northern boundary. The site was enclosed by trees and hedging on all its common boundaries, with an established linear row of housing to the north east. Part of the site lay within the development envelope of Kirtling.

There was a Public Right of Way (PROW No.25) which ran in part parallel along the southern boundary much of the entire depth of the site.

The application had been called in to Committee by Councillor Sharp as he felt the applicant had not done enough to comply with the Inspector's report on the previous application.

The main considerations in the determination of the application were:

- Principle of development;
- Previous reasons for approval;
- Comparisons with refused scheme;
- Appeal decision;
- Other material matters; and
- Planning balance.

A number of illustrations were displayed at the meeting, including a site map, photographs of the site and its surroundings, the details of the proposal, a block plan, and a computer generated view from The Street.

As the Council was currently unable to demonstrate an adequate 5 year supply of land for housing, all local planning policies relating to the supply of housing had to be considered out of date and housing applications

assessed in terms of the presumption in favour of sustainable development as set out in the NPPF. This meant that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweighed the benefits.

An application for 6 dwellings was refused by the Planning Committee in August 2019 and an appeal was submitted and dismissed. The Planning Consultant reminded Members of the reasons for refusal of the previous application and commented on a slide which showed a comparison between the previously refused scheme and the current proposal.

The majority of the scheme would be located within the development envelope, with only two properties outside this area and one partially outside. The Planning Inspector did not consider that the development resulted in visual harm to the character of the area as the rear of most of the dwellings would not extend significantly beyond the rear boundaries of the properties in the area and the appearance of the development would be less conspicuous in the countryside than existing housing close by.

As a consequence of the Inspector's decision, the applicant had reduced the red line to be more in line with the development envelope and the number of dwellings had been reduced from 6 down to 5. There would be no impact on highways, residential amenity, archaeology, ecology, or drainage.

It was considered that the resubmitted scheme had addressed the Inspector's decision and the development was therefore acceptable in principle.

The Planning Consultant concluded her presentation by saying that the scheme would contribute to the Council's housing supply and provide an acceptable living environment, with no detrimental impact on highway safety, heritage assets or visual amenities of the area. Having addressed the concerns in the Appeal Decision, it was now considered that the proposal complied with the NPPF and the policies of the adopted Local Plan 2015. It was therefore recommended for approval, subject to conditions.

With the permission of the Chairman, the Democratic Services Officer read out the following prepared statement of objection from Mr and Mrs Kiteley:

'With reference to the proposed application for an amendment we still cannot see why the applicant who was present at the planning meeting on the original scheme, has not taken notice of what was said about the size of the proposed dwellings and number.

It was clear that four of the right size and design may be acceptable. We now see that the amendment is now proposing five and still on the bend with three entrances to the road.

We note a garage is proposed in front of dwelling no.2 has been incorrectly positioned showing it built on a ditch on our property, once again a reminder

here that the site red line depicted is inaccurate. Even if the position of garages in the front of dwellings is considered OK, why was 'The Beehive' house at 162 opposite not recently allowed a garage on the front of their dwelling?

The appeal carried out by the inspector in January 2020 stated clearly as per the following;

"Both main parties suggest that two of the six dwellings proposed would lie outside the defined development envelope of Kirtling. However, having cross referenced the submitted plans which show the layout of the proposal, with the Council's policy map which depicts the extent of the development envelope¹, it appears that two of the proposed dwellings and part of a third dwelling would be located outside the development envelope....The use of the entire appeal site for the purposes of housing would represent a significant permanent encroachment into the countryside which would diminish the contribution the site makes to its verdant surroundings, thus undermining its intrinsic character...In conclusion therefore, I find that the appeal site would be an appropriate location for the proposal, having regard to the development plan, and the character and appearance of the area. The proposal would be an inappropriate form of development in the countryside and would be in conflict with Policies ENV1 and ENV2 of the Local Plan which require, amongst other matters, that developments make efficient use of land and have a complementary relationship with existing development by protecting the settlement edge, the space between settlements and their wide landscape setting. Moreover, the development would not be sympathetic to local character, contrary to paragraph 127 of the National Planning Policy Framework (the Framework)."

(Jan 2020 Planning Inspector Mathew Woodward)

The inspector concluded his report by saying;

"A large extent of the development would be outside of the development envelope and at odd with the prevailing character of the area, contrary to Policies ENV1 and ENV2 of the Local Plan....Consequently, I conclude the adverse impacts on the character of the area would significantly and demonstrably outweigh the benefits when assess Appeal Decision APP/V0510/W/19/3237095

<https://www.gov.uk/planning-inspectorate> 5 against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply. The proposal would conflict with the development plan as a whole and there are no other material considerations which outweigh this finding. Therefore, for the reasons given, I conclude the appeal should be dismissed."

(Jan 2020 Planning Inspector Mathew Woodward)

Taking his report the proposed amendment still is attempting to build on land outside of the envelope.

We must refer to our earlier correspondence that 4 houses on one acre in Kirtling on land adjacent to 195 The Street was considered overdevelopment with only 3 being approved.

Finally other developments in the village recently have been sympathetic to the local character therefore why demolish a cottage which in the past was two dwellings, which with today's materials and skills could be renovated and extended and turned back into two dwellings and another similar pair built on the front left of the site with an entrance driveway between the two blocks which I suggest better matches the current street scene.

I trust these comments in the above statement will be given some serious consideration.'

With the permission of the Chairman, the Democratic Services Officer read out a second prepared statement of objection on behalf of the Kirtling & Upend Resident Group:

'The group strongly object to the amended application. We feel the issues raised by both the planning committee and the Planning Inspector have not been addressed by the amendments. In particular, we feel strongly about the following issues;

A large part of this development still falls outside of the development envelope. Although we understand the envelopes have been disbanded during the time without a Local Plan, it is clear that the appeal Inspector has taken into account both the ENV1 and 2 and the 2015 Local Plan in making his decision. Therefore, we feel that allowing this development which still conflicts with ENV1 and 2 and our Local Plan would go against the Planning Inspectors decision.

There have been a considerable number of successful planning applications in Kirtling. Very few have been rejected. This is because they are consistent with our Local Plan which only allows for small scale or single dwellings as infill within the clearly defined development envelopes. A similar application on a separate site for 7 houses which also encroached on the countryside was next to a footpath and where the development spilled outside of the development envelope was rightly turned down in 2017. We feel the planning process must be consistent and continue to reject applications that do not meet East Cambs Planning Policies or as the Planning Inspector points out, are also contrary to paragraph 127 of National Policy. We do not feel the removal of one house and garage has ameliorated the issues raised in any of the quoted policies.

We agree with the Planning Inspector that this development is not sympathetic to the local character of the village. This part of the village is linear in development and whilst the village accepts infill planning on the site this should occur in a sympathetic form, i.e. it should fit wholly within the envelope and be in keeping with the built form of the village i.e. linear or not more than 2 deep.'

At the invitation of the Chairman, Mr Keith Hutchinson spoke on behalf of the applicant and made the following remarks:

- This site had been the subject of a planning Appeal Decision and although that appeal was dismissed, the Inspector came to very clear conclusions about what would be acceptable. These conclusions provided the basis for the revised submission before the Committee today;
- The Council was still unable to demonstrate an adequate 5 year supply of land for housing, therefore the housing policies of the Local Plan were deemed to be out of date and the 'tilted balance' applied;
- Whilst acknowledging that the predominant pattern of the settlement was of a linear form, the Inspector indicated that there were several examples of development in depth in Kirtling, and he raised no objection to a similar configuration on this site;
- The Inspector concluded that 'the scale, bulk and massing of the dwellings and other buildings proposed would not unacceptably impact on the appearance of the area or the wider countryside';
- The revised scheme reduced the scale of the dwelling on Plot 1 and the scale of the dwellings at the rear of the site had been reduced significantly as they adjoined the countryside beyond;
- The newly proposed layout repositioned the dwelling on Plot 4 almost 12 metres closer to the front boundary and the dwelling on Plot 5 over 7 metres closer;
- The only objection raised by the Inspector related to the extension of residential curtilage across the whole site, resulting in an encroachment into the countryside;
- The site had been significantly reduced in size and the rear boundary defined to relate more closely to existing residential curtilages;
- The application site was not isolated, being adjoined by existing residential development to the north and south and most of it lay within the development envelope for Kirtling;
- The development would help to satisfy a shortfall in housing supply and would satisfy the economic, social and environmental objectives as set out in the NPPF;
- The proposal was sustainable and therefore there should be a presumption in favour of approval.

In referring to the Inspector's comments, Councillor Schumann asked Mr Hutchinson to point out where the Inspector was only referring to the extension into the countryside. Mr Hutchinson replied he thought the comment

was only about the length of the site into the countryside and that was no longer a problem.

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

- An application was refused in August 2019 and the appeal was dismissed;
- This new application now proposed 5 houses, but the harm would still outweigh the benefits and it was not a sustainable development;
- The application was brought into line with the red line, but there was little or no change to the housing layout;
- The Inspector said in paragraph 19 of his report *‘A large extent of the development would be outside of the development envelope and at odds with the prevailing character of the area, contrary to Policies ENV1 and ENV2 of the Local Plan. In light of the Council’s housing land supply position, paragraph 213 of the Framework makes it clear that weight should be given to existing development policies according to their degree of consistency with the Framework. The countryside is not protected for its own sake, but its intrinsic character and beauty is recognised by the Framework. Even taking account of the objective of significantly boosting the supply of homes and the Council’s supply position, the conflict between the proposal and the relevant parts of Policies ENV1 and ENV2 of the Local Plan should be given significant weight in this appeal.’*
- Paragraph 21 of the report concluded that the presumption in favour of sustainable development did not apply;
- This long piece of land to the rear was now landlocked and there were no proposals as to how it was to be dealt with. How could the other half of the site be controlled? If the application was to be approved, the applicant would have to provide details;
- The applicant had paid lip service to the Inspector and the application should be refused.

Asked for her comments regarding the Inspector’s decision, the Planning Consultant said there was some confusion in what he was saying. He either had no objection to the scale, bulk and massing of the development which would not unacceptably impact on the appearance of the area or the wider countryside, or a large extent of the development would be outside of the development envelope and at odds with the prevailing character of the area. He seemed to be contradicting himself. The word ‘development’ was therefore raising a red flag, the development of the whole site could therefore result in further urbanisation.

Councillor Wilson wished to know if there was any information regarding what would happen to the landlocked area. The Planning Consultant advised that it would remain in the ownership of the applicant; it could not be built on, so it would remain as countryside, much as it was now.

Councillor C Ambrose Smith considered the proposal to be a perfectly nice development in a spaced out situation.

Councillor Schumann remarked that as a Planning Committee, Members could be criticised when they got things wrong and the Inspector's decision was very explicitly clear. The development line being suggested had very little difference to the original proposal and it was still outside the development envelope. The Inspector had backed up the Authority's argument and so the Committee should be able to refuse the application. The Inspector had not agreed with the Committee's first reason for refusal. The decision was based on the Authority's own Policies ENV1 and ENV2 and Councillor Schumann recommended that the scheme be refused, based on the Inspector's decision.

Councillor Wilson thought that the unusable piece of land could be used as a wildlife site and he was in favour of supporting the recommendation for approval.

Councillor Jones felt that the proposal had not gone far enough to meet the Inspector's requirements and he was therefore minded to refuse the application. Councillors Brown and Trapp concurred, the latter saying that he could not see the owner of the piece of land leaving it landlocked.

Councillor D Ambrose Smith advised he was in favour of the Officer's recommendation.

It was proposed by Councillor Brown and seconded by Councillor Trapp that the Officer's recommendation for approval be rejected and the application be refused permission.

The result of the recorded vote was as follows:

For (7 votes): Councillors Austen, Brown, Hunt, Jones, Schumann, Stubbs and Trapp;

Against (4 votes): Councillors C Ambrose Smith, D Ambrose Smith, Downey and Wilson.

It was resolved:

That planning application reference 19/01386/FUL be REFUSED for the following reason:

- Adverse impact on the countryside, as supported by the Planning Inspector's recent decision in accordance with Policies ENV1 and ENV2 of the Local Plan.

102. 19/01413/OUM – THE SOHAM LODGE NURSING HOME, SOHAM BYPASS, SOHAM

Angela Briggs, Planning Team Leader, presented a report (reference U208, previously circulated) which sought outline planning permission for the extension of the existing care home, 15no. assisted residential apartments, 90no. assisted residential apartments with ancillary facilities, 54no. staff bedsits and flats, together with 37no. open market dwellings, except for means of access

The application was outline with all matters reserved and the proposed site layout plan submitted was indicative only.

The Update Document stated that Refusal Reason 1 should include Policy ENV1 of the Local Plan. Policy COM7 should be deleted from this reason. With regard to Refusal Reason 2, Policy ENV1 of the Local Plan should be deleted from this reason and Policy COM7 should be included.

The Soham Lodge Care Centre was located outside of the development framework, and in the northern apex of a triangular site situated to the east side of Soham. It was bounded by the A142 Soham Bypass to the east, Qua Fen Common(a County Wildlife Site) to the northwest, and fields to the southeast. The nearest residential dwellings were on Qua Fen Common and the site was directly accessed from the A142 and had a secondary road for egress. A single hedge line transversed the central part of the site, as did a Public Right of Way.

It was noted that the application had been brought to Committee in keeping with the Council's Constitution, because the site was over 1000 square metres.

The main considerations in the determination of the application were:

- Principle of development;
- Residential amenity;
- Visual amenity;
- Highway safety;
- Ecology;
- Flood risk and drainage; and
- Provision of affordable housing.

A number of illustrations were displayed at the meeting, including a map, aerial view of the site, indicative site layout and a number of photographs taken from various viewpoints.

Members were reminded that the Council could not currently demonstrate that it had an adequate 5 year supply of land for housing and therefore the presumption should be in favour of sustainable development unless any adverse impacts of the development significantly and demonstrably outweighed the benefits.

Policy HOU6 of the Local Plan 2015 recognised the need in the District to provide care accommodation and there was an identified need that was unlikely to be met in the built up area. However, the site was poorly connected to the main settlement and there were no suitable or safe foot or cycleways to access the facilities and services in Soham.

In terms of visual impact, the immediate surrounding area was characterised mainly by open fields and a reservoir on the opposite side of the A142. The site was currently occupied by single storey, modest scale buildings, although their presence along the A142 was noticeable.

It was considered that the proposal would introduce a hard edge form of overdevelopment that would be out of keeping and uncomplimentary with the rural character of the wider landscape and would fail to protect, conserve or enhance the settlement edge. The introduction of a 2 metre high acoustic bund would significantly detract from the character of the area by creating a hard edge along the boundary with the A142. Furthermore, the proposal would not respect the setting of Qua Fen Common, being an area of open space and amenity, and important wildlife value, which also had historic significance within the local area and means of accessibility through the site.

Speaking next of biodiversity, the Planning Team Leader said that the application failed to demonstrate that a net gain, on or off the site, could be achieved and it was therefore contrary to Policy ENV7 of the Local Plan and paragraph 175 of the NPPF.

With regard to residential amenity, dwellings would be close to the A142 and exposed to high levels of noise from traffic which could only be mitigated by the permanent closure of windows. This would restrict natural ventilation into the properties and therefore reduce their reasonable levels of amenity, contrary to Policy ENV2.

Members noted that the proposal failed to demonstrate that the access was adequate to serve the development and that the additional traffic would not have a significant impact on the wider highway network. The LHA had also raised the need for the applicant to come forward with a deliverable improvement scheme to the footway and cycleway network serving the development, as this had not been addressed through this application.

The Planning Team Leader said that the proposal failed to confirm adequate affordable housing as required by the Local Plan Policy, and therefore the scheme would not be meeting a local affordable housing need.

She concluded her presentation by saying that the proposed development failed to demonstrate a scheme which was considered to be sustainable and it was contrary to Local Plan policies; it was therefore recommended for refusal.

At the invitation of the Chairman, Mrs Carol Duff addressed the Committee and made the following points:

- She was speaking on behalf of the residents of Qua Fen Common and Burgess Corner;
- The proposed development failed to demonstrate that it could achieve a biodiversity net gain on or off the site, also the aims and objectives of Policy ENV7 of the Local Plan 2015 and paragraph 175 of the NPPF;
- They considered that the development, as currently proposed, would result in a net loss in biodiversity. It should be remembered just how many species called this area home and any changes to the environment would have a negative impact, especially the pond areas, which the Wildlife Trust called 'species rich';
- The proposed expansion would be of 2 storeys or more in height, towering over the ancient hedgerows of the Common and totally destroying the existing skyline and aspect. This would be obtrusive to those overlooking the care home and would bring a negative visual impact;
- Quoting from the Commons Act 2006, any development of Qua Fen Common was prohibited unless by express permission of the Lord of the Manor. He had given assurance that he objected to the removal of any length of hedgerow, construction of cycleways or additional points of access involving the Common;
- There was no bus route to this site, no main cycleway or footpath and the A142 had already seen an immense increase in traffic. This development would mean yet many more cars in and around Soham and the nursing home access and egress was not suited to an increased number of vehicles coming off or going onto an already fast flowing road;
- Reducing the carbon footprint should be a priority;
- The facility was not at capacity and it was understood that occupancy was only at 68%;

- Why include open market housing in the proposal? it was questionable whether this was an extension to a nursing home or a housing development by another name;
- The site would be too large and overdeveloped, leading to an increase in pollutants, carbon, noise and light;
- The Qua Fen Common Residents Group felt that there was no place to have this development adjacent to the A142 or the Common. The Common was a place of wellbeing and well used, and it should be preserved.

At the invitation of the Chairman, Mr Nick Davey, agent, addressed the Committee and made the following remarks:

- This would be a unique complex which would allow the residents to move through the facility as their care needs changed;
- The Local Plan was out of date and the Council could not currently demonstrate an adequate 5 year supply of housing land;
- The proposal was potentially policy compliant and the tilted balance was engaged;
- The open market housing would help with the Council's 5 year supply and the Local Plan stressed housing for the elderly;
- This would be an extension to a local business and provide local jobs with training on site;
- The site was sustainable, there would be a biodiversity gain and many of the concerns could be resolved either by further discussion or by conditions;
- The affordable housing position had yet to be resolved, as was how to deal with the 54 staff flats;
- Trip generations would be far fewer. The mini bus facility would be retained and extended;
- The site would be within range of a footpath;
- If Members had any lingering doubts, they should defer making a decision.

Councillor Jones said that while he welcomed local employment, the facility would not be supplying local jobs to local people. Access was also a problem because it was his understanding that the only public access was via the road. Mr Davey replied that there were two public footpaths and the applicant would be happy to contribute to improvements.

Councillor C Ambrose Smith thought that vehicular access to the facility would be frightening. The traffic was so fast that she felt it made the road difficult and dangerous. Mr Davey replied that not everyone would be driving; there was an existing access which had been found to be acceptable.

Councillor Trapp asked how many of the staff were local and Mr Davey said most were, but it was difficult to attract people without providing accommodation on the site.

The Chairman said the Commons in Soham were special and he very much appreciated them.

At this point Councillor Schumann said he thought he should declare an interest as one of the photographs in the Officer's presentation showed his parent's house near to the application site. He continued, reiterating previous speakers' comments about the Common being special and Mrs Duff's point about it being used. He considered the Case Officer to have made the right recommendation and supported all 6 reasons for refusal and believed that the applicant could have submitted more detail in support of the proposal.

Councillor Wilson concurred, adding that the A142 was a particularly dangerous road, two of his friends having been killed on it. Most of the houses would just be for sale and he supported the recommendation for refusal of the scheme. Councillor Jones agreed, believing the proposal to be gross overdevelopment.

Councillor Brown concurred with other Members that the reasons for refusal were valid.

Councillor Stubbs also agreed with the reasons for refusal, especially Reason 4 in relation to the impact on residential amenity.

Councillor Jones said the proposal would result in overdevelopment and have a major impact on visual amenity.

It was duly proposed by the Chairman and seconded by the Vice Chairman that the Officer's recommendation for refusal be supported.

The result of the recorded vote was as follows:

For (11 votes): Councillors C Ambrose Smith, D Ambrose Smith, Austen, Brown, Downey, Hunt, Jones, Schumann, Stubbs, Trapp and Wilson.

It was resolved unanimously:

That planning application reference 19/01413/OUM be REFUSED for the reasons given in the Officer's report and updated policies as specified in the Planning Committee Update.

Councillor Schumann added that he had very rarely seen such a well written letter and presentation as that from Mrs Duff.

103. 19/01635/FUL – 65 HIGH STREET, SUTTON, CB6 2NL

Molly Hood, Planning Officer, presented a report (U209, previously circulated) which sought permission to extend the existing building and add a first floor above the existing commercial premises to form a residential flat.

The existing A1/A3 ground floor space would be retained and the residential flat would have a separate entrance. Amendments had been received within this application to reduce the residential accommodation from two flats to one.

The application site was situated within the settlement boundary of Sutton, in the Conservation Area and was in an area with a mix of commercial buildings and residential dwellings. There was a shared access along the east elevation, which led to the two garages and parking for the building.

It was noted that the application had been called in to Planning Committee by Councillors Lorna Dupré and Mark Inskip as a result of the impact on parking due to this being a congested part of the High Street.

The main considerations in the determination of the application were:

- Principle of development;
- Visual amenity;
- Residential amenity;
- Conservation;
- Noise; and
- Highway matters.

A number of illustrations were displayed at the meeting, including a location map, a map of the wider area, side angle photographs of the street scene, and elevations.

With regard to the principle of development, the application would retain the existing commercial premises at ground floor level and the proposed residential accommodation would not lead to the removal of the existing community facility. It was located within the settlement boundary, with access to the services and facilities on offer in Sutton.

There would be no significantly detrimental impacts on the residential amenity of neighbouring occupiers and it was not considered that the commercial premises would cause significantly harmful impacts to future occupiers. It was recommended that a condition be imposed in respect of sound insulation.

It was noted that the site was visible within the street scene, but the proposal was considered to be subservient to the neighbouring property and the design of the building ensured a dominant level of built form would not be introduced. As the immediate street scene had a large proportion of 2 or 1½ storey buildings, the addition of a first floor would not be out of keeping with the existing context of the street scene. The Conservation Officer had raised no concerns and the proposal was not considered to be harmful to the significance of the Conservation Area. The Council was currently unable to demonstrate a 5 year supply of land for housing, and it was considered that the proposal would be of some public benefit in providing an additional dwelling.

Speaking of highway safety, the Planning Officer said that the LHA had raised no objections to the application. There was existing parking to the rear of the site and suitable access and parking arrangements for the proposed flat.

In connection with other matters, it was recommended that a condition be imposed relating to refuse and recycling storage. It was also recommended that there be a condition restricting occupation of the accommodation to a person employed full time in the commercial element of the property. The agent had confirmed that it was the intention to have the shop manager/employee living within the flat.

The Planning Officer concluded her presentation by saying that the benefits of the scheme were considered to outweigh the harm caused, and the application was therefore recommended for approval.

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

- Only the Parish Council had raised concerns regarding parking, and this seemed to be why the application was called in to Committee;
- The existing ground floor premises were A1/A3 use and benefitted from two parking spaces. There was additional flat roof garage space, with hardstanding in front of the three garages;
- Vehicles would be able to leave in forward gear;
- Customers arrived either on foot or parked near the shop, so the parking or turning would not be amended;
- The first floor flat would be tied in by condition and there would be no loss of the A1/A3 use;
- The additional built form at first floor level was acceptable and Members were asked to approve the application.

With the flat being tied to the use of the shop, Councillor C Ambrose Smith wondered what would happen to the occupants if the shop ceased to trade. The Planning Manager advised that the flat should be occupied by a

person working in the premises below, otherwise they should not be living in the flat.

At the invitation of the Chairman, Councillor Lorna Dupré, a Ward Member for Sutton, addressed the Committee and made the following points:

- The delicatessen was immensely popular and much needed, but there were concerns about parking and this was a very congested road;
- Sutton Parish Council supported the concerns of residents as on street parking would be greatly increased;
- She had received complaints about parking, but the Police had said it was not a priority for them;
- The two garages pre-dated the application and so should not be double counted;
- There was little turning space and limited visibility at the rear of the premises;
- The proposed condition referred to in paragraph 7.6.2 of the Officer's report related only to the use of the flat, not parking. Paragraph 7.4.4 spoke of the public benefit, and paragraph 8.2 said the benefit outweighed the harm caused;
- It was hard to see the benefit when further dwellings were being proposed in the village and she asked Members to consider the issue of parking very carefully.

In response to a question from Councillor Brown, Councillor Dupré confirmed that she wished to see the application refused. It was her view, and that of the residents that the proposal was unsustainable because of the parking.

Councillor Jones asked how many people worked in the shop and Councillor Dupré replied that it was currently vacant. When last used, there were usually 1 – 2 people out in the front, with maybe 1 or 2 at the rear. After being granted the first planning approval, the business was owned by the Petrou Brothers, and it was possible that the rear of the premises were being used for other things.

Councillors Trapp and Wilson put a number of questions to the Planning Officer regarding parking; in response she informed them that the adjoining property shared the access with the commercial premises but had its own garage and parking space. The existing parking for the commercial premises was for up to 3 vehicles and would allow for turning space. The restricted occupancy was to ensure the residential and commercial use were connected.

Councillor Wilson asked how difficult it would be to enforce the 'tied cottage', and the Planning Officer replied that this would be a matter for

Enforcement but that residential occupancy conditions were used by Local Planning Authorities

Councillor C Ambrose Smith believed a business could be much more sustainable when the person was living on the premises. They could throw far more energy into it and this could make the property much more viable.

Councillor Schumann agreed, saying that although concerns had been raised about parking, it could be alleviated, and the application should be approved.

Councillor Stubbs commented that the premises was valuable to Sutton, and an additional 3 bedroom property would further add to that value; she therefore supported the Officer's recommendation for approval.

Councillor Trapp said that despite the premises not having been used for 1½ years, he was supportive of the scheme and hoped it would help more local people work locally and help each other.

The Chairman concurred adding that Sutton was expanding and he thought this High Street facility would be of benefit to the community.

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

The result of the recorded vote was as follows:

For (10 votes): Councillors C Ambrose Smith, D Ambrose Smith, Austen, Brown, Downey, Hunt, Jones, Schumann, Stubbs and Trapp;

Against (1 vote): Councillor Wilson.

It was resolved:

That planning application reference 19/01635/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

There followed a short comfort break between 6.16pm and 6.25pm.

104. 19/01589/OUT – SITE EAST SIDE OF HERRINGSWELL ROAD, HERRINGSWELL ROAD, KENNETT

Rachael Forbes, Planning Officer, presented a report (reference U210, previously circulated), which sought outline permission for a detached single storey dwelling, garaging, access road, visibility splays and associated works.

The only matter for consideration as part of this outline application was the means of access. Appearance, landscaping, layout and scale would be considered as part of a reserved matters application. The layout and design were for indicative purposes only.

By way of an update, the Planning Officer said the Parish Council had commented that it had no objections to the proposal but recognised that it was outside the development envelope.

The application site was situated outside of the development envelope and close to the East Cambridgeshire border with West Suffolk District Council. The site was part of a County Wildlife Site (CWS), Kennett Restored gravel Pit and close to the Breckland Farmland Site of Special Scientific Interest (SSSI) and Red Lodge SSSI. The site was currently vacant grassland and was largely surrounded by agricultural land and paddocks. There were a few dwellings to the south and Grabella Stud to the east.

It was noted that the application had been called in to Committee by Councillor Julia Huffer as she felt that there was local support for the application and it would benefit from wider scrutiny.

A number of illustrations were displayed at the meeting, including a location map, another showing the site to the west of Kennett, and photographs of the street scene.

The main considerations in the determination of the application were:

- Principle of development;
- Visual amenity;
- Residential amenity;
- Ecology and trees;
- Highway safety and parking;
- Flood risk and drainage; and
- Contaminated land.

With regard to the principle of development, the Planning Officer reiterated that sustainable development had three dimensions: economic, social and environmental. All three were mutually dependent and should not be undertaken in isolation and where a scheme did not achieve one or more of these roles, it would not be considered sustainable.

The site was outside the development envelope, along a 60mph road with no pedestrian footpaths or street lights. The adverse impacts of the application were considered to outweigh the limited economic benefits and therefore it did not constitute sustainable development.

Beyond the small cluster of dwellings to the south of the site, the character changed to rural countryside. The proposed dwelling would be somewhat isolated and it was considered that the introduction of built form in

this location would result in encroachment and increase the sense of suburbanisation of the countryside.

Access was proposed from the Herringswell Road and the application was accompanied by a speed survey. The LHA had commented that having reviewed the survey data, the visibility splays shown were acceptable and therefore the access was considered acceptable. However, the proposal was contrary to Policy COM7, as it did not promote sustainable transport.

Turning to other matters, the Planning Officer said that due to the distance between the proposed dwelling and the closest neighbouring dwelling, it was considered that there would be no significant negative impact on residential amenity. The site was considered to be of relatively low ecological value and would not significantly impact the County Wildlife Site.

The Council's Scientific Officer had requested a condition for the investigation of any contamination of the site as it was a former gravel pit.

The Planning Officer concluded her presentation by saying that although a dwelling could be achieved without detriment to neighbour amenity, the location was considered to be unsustainable as it did not meet all three of the dimensions of sustainable development. It was therefore recommended for refusal.

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

- The applicant and his wife had lived for the last 21 years in a cottage that did not receive postal or other deliveries because the access roads were unmade;
- Britain had always been considered a nation of home owners, and his clients now wished to become one of the many;
- Soon after purchasing, they became aware of the local problems with the 5 year land supply and realised that other consents were being granted some distance from settlement boundaries. This application was the culmination of discussions with Officers and consultees;
- There appeared to be genuine support from the Parish Council for their proposal;
- The recommendation for refusal was based on two planning issues: sustainability and harm to the countryside. Both had been constantly debated by this Committee during the ongoing problem with the 5 year supply of housing land;
- A modest single storey family home was proposed, the scale of which accorded with the closest cluster of dwellings to the south;

- The Trees Officer had no objections but recommended a robust planting scheme if the application was to be approved. The applicant proposed including gapping and strengthening of the existing planting along the important boundary with the highway;
- The existing on-site trees and hedges, together with further robust planting would assimilate the proposed modest dwelling into its countryside;
- The proposed scale of the dwelling and existing/proposed planting would not form an alien feature along Herringswell Road. When the planting was allowed to mature, only glimpsed views of the dwelling would be gained through the access;
- The NPPF stated three objectives to sustainable development: economic, social, and environmental;
- The proposal would add a further dwelling to the Council's housing figures, create jobs during construction and the local economy would benefit from the spending of the occupiers;
- Many people did not want to live in urban conurbation and wished to enjoy the reasonably quiet surroundings of the countryside. The applicant would not use public roads to access the farm -sustainability in reverse. His wife, being a mobile hairdresser, would have to use a car wherever she lived;
- Postal and other deliveries were already made to existing adjacent dwellings and this proposal would add to the sustainability of these services. The applicant wished to become as self-sufficient as possible, given the size of the overall site;
- In terms of the environment, the dwelling would be designed to provide a dwelling in excess of the current Building Regulations requirements, using increased insulation values for the structure, together with energy efficient methods of providing electricity and heating;
- The Council was still unable to demonstrate a 5 year supply of housing land, rendering the current Local Plan housing policies out of date. The presumption should therefore be in favour of sustainable development and the application should be approved because there were no adverse impacts which significantly and demonstrably outweighed the benefits.

Councillor Jones asked if the site was formerly a gravel pit and whether the land could be used for anything else. Mr Fleet replied that it had been on the fringe of a gravel pit and was used as a lorry park with an office. The land could not go back to agricultural use as it was too small to work. Maybe there was diesel contamination, but it would not stop development of the site.

Councillor Wilson commented that he believed the site to be brownfield rather than open countryside and Mr Fleet said this was for Members to decide.

At the invitation of the Chairman, Councillor Julia Huffer, a Ward Member for Fordham and Isleham, addressed the Committee and made the following points:

- This proposal was for a single modest dwelling;
- The applicant wanted to secure a home for his family and he had lived here for many years;
- There had been no objections to the application and she struggled to see any reason for refusal;
- Granting permission would do absolutely no harm whatsoever.

Councillor Wilson asked the Planning Officer whether the site was brownfield or commercial use, and she replied that it was an agricultural field; she did not consider it to be brownfield. The Planning Manager interjected to say that she supported this view.

Councillor Jones said that while the Authority was trying to resist the onslaught of development outside boundaries, he did not think the dwelling would cause any harm and nobody had raised any objections.

Councillor Brown knew this road and said he disagreed that it was heavily used. He could see no fundamental reason to refuse the application and rejected the Officer's recommendation. However, this was not intended as a criticism of the Planning Officer, he simply did not agree with her report. The Chairman agreed, reiterating that Members' comments should not be taken personally by the Case Officers.

Councillor C Ambrose Smith agreed with Councillor Brown, especially if the proposal could enhance the landscaping features.

Councillors Schumann and Trapp each declared their support for granting approval of the application as it was sustainability in reverse and was typical to odd dwellings along this road.

Councillor Wilson said he was minded to go against the Officer's recommendation for refusal as he did not believe the dwelling would be a visual intrusion in the area and the location was sustainable because it was close to Kennett, which had a railway station and nearby employment.

Councillor Stubbs responded by saying that she would support refusal of the scheme because she believed the site was unsustainable.

The Chairman reminded Members that they needed to take any personal reasons/circumstances of the applicant out of their decision making.

It was duly proposed by Councillor Wilson and seconded by Councillor Brown that the Officer's recommendation for refusal be rejected and that the application be granted planning permission.

Councillor Wilson asked that the Planning Manager be given delegated authority to impose suitable conditions, or if necessary, that the application be brought back to Committee at the reserved matters stage.

Councillor Schumann remarked that for some applications, the Planning Manager had been given delegated authority to approve in consultation with the Chairman. However, it was common practice that a case could be brought back before the Committee if the reserved matters application came in and was found to be different to the outline proposal, which was for a single storey, small dwelling.

The Committee returned to the motion for approval and the result of the recorded vote was as follows:

For (9 votes): Councillors C Ambrose Smith, D Ambrose Smith, Austen, Brown, Downey, Jones, Schumann, Trapp and Wilson;

Against (2 votes): Councillors Hunt and Stubbs.

It was resolved:

That planning application reference 19/01589 be APPROVED for the following reasons:

- Members do not accept that the scheme will be an intrusion into the open countryside; and
- It will be sustainable, being situated approximately 800 metres from the built form of Kennett.

It was further resolved:

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

105. 19/01777/OUT – SITE WEST OF 45 EAST FEN ROAD, ISLEHAM

Toni Hylton, Senior Planning Officer, presented a report (reference U211, previously circulated) which sought outline consent for the erection of 4 dwellings, with all matters reserved apart from access; the submitted plans were indicative only.

The site was outside the development envelope for Isleham, although it adjoined the boundary to the south. It was part of an agricultural field, with some trees and hedging to the boundary, a pond in the south western corner and a Public Right of Way along the western boundary. To the east was a farm access with linear development further along East Fen Road.

It was noted that Councillor Julia Huffer had requested the application be presented to Planning Committee stating ' Following our conversation regarding this application, should you be minded to approve this can you arrange to have it called in to Committee as the Parish Council and members of the public have concerns about it.'

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

The main considerations in the determination of the application were:

- Principle of development;
- Impact on the neighbours;
- Impact on the character of the area;
- Highway safety;
- Flood risk; and
- Ecology.

Members were reminded of the Council's current inability to demonstrate a 5 year supply of housing land. All Local Planning policies were therefore considered to be out of date relating to the supply of housing and applications should be assessed in terms of the presumption in favour of sustainable development unless any adverse effects of the development significantly or demonstrably outweighed the benefits.

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

The Senior Planning Officer said that the distances between the application site and the nearest dwellings were between 15 and 30 metres. Taking these distances into consideration, it was unlikely that the proposed dwellings would cause harm to their amenities by way of overbearing, overlooking or detracting from light. It was considered that the dwellings could be designed as part of a reserved matters application to ensure that all residential amenity was maintained. Conditions would be imposed during the construction phase restricting construction hours and the prohibition of piling.

With regard to impact on the character of the area, the Committee was reminded that at this stage of the outline process there were no designs of the dwellings to indicate their height or form, so the application could not be assessed on this basis as it would form part of the reserved matters stage. It was expected that the dwellings would be single storey, with the possibility for accommodation within the roof space which would allow for views through the site and beyond.

Although there was no doubt that the proposal would change the views of the area, it was not considered to be detrimental to this village edge location, particularly when development further along East Fen Road had been permitted for single storey dwellings at the end of the established row.

The LHA considered the proposal to be acceptable and while the internal arrangement had not been shown, it was considered that adequate turning and manoeuvring space could be achieved for vehicles to leave in a forward gear. The development could accommodate a minimum of 2 parking spaces per dwelling as shown on the indicative layout plan.

The site was located in Flood Zone 1; drainage, surface and foul water could be addressed by way of condition, with the detail to be submitted at a later date.

The application was supported by an Ecological Impact Assessment and it was considered that the recommendations for protecting species during development were acceptable; the report should be conditioned to ensure that this was carried out. A scheme, to include bird and bat boxes, would be required to ensure a net biodiversity gain and a detailed landscape scheme should also be provided to enhance the biodiversity of the site.

The Senior Planning Officer concluded her presentation by saying that the site could provide 4 new dwellings and ensure all neighbouring amenities were maintained. It was therefore recommended for approval.

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

- He thanked the Senior Planning Officer for a comprehensive report;
- There had been positive dialogue with Officers;
- This was an outline application for access to 4 houses and there was adjacent development. The density of the proposal reflected the local area;
- The layout and scale etc would be addressed in a future application;
- This was a natural and proportional site. The development would be sympathetic and comments would be taken on board;
- There had been recent development along East Fen Road and the access to this site would be sensitively positioned;
- Suitable ecological measures would be mitigated to ensure a net biodiversity gain;
- The proposal would be assimilated into the street scene;
- The development posed no significant adverse effects and therefore, according to the NPPF, it should be approved.

Councillor Wilson noted that the site did not abut the highway and Mr Fleet said that the gap was Highways land.

At the invitation of the Chairman, Councillor Richard Radcliffe addressed the Committee on behalf of Isleham Parish Council and made the following comments:

- The Officer's report set out why the Parish Council objected to the application;
- These dwellings were not needed and were in the wrong place. How could they make the village more sustainable because Isleham was well ahead on its 5 year supply and had more than taken its fair share of development;
- Public transport was woeful and the school was at capacity as well as other services in the village;
- The site was on agricultural land. It was undeveloped and part of the rural fringe with far reaching views to the wooded area;
- There would be no views from the footpath, which was a major part of the character of the village;
- This site did not extend the dwellings, it was a stand-alone development;
- The previous application was refused on the grounds that it would cause significant and demonstrable harm, and was contrary to policy;
- The Parish Council considered this application to be no different;
- New homes needed to be in the right place, and Members were requested to refuse the application.

At the invitation of the Chairman, Councillor Julia Huffer, a Ward Member for Fordham and Isleham, addressed the Committee and made the following remarks:

- Objections to the scheme had been received from the Parish Council and residents of Isleham;
- The houses would be right on the edge of an agricultural field and they would be a carbuncle on the village view;
- The village was under attack. The Parish Council knew what was best for the village and Isleham could not take any more development;
- The Planning Committee should listen to the community and refuse the application.

Councillor Wilson queried who owned the rest of the site and the Senior Planning Officer said it could be the applicant but she was not sure.

Councillor Jones suggested that this site was close to the proposed Sunnica development and the remaining field was to remain as agricultural land to retain the visual amenity of the area. The Planning Manager added that an application had yet to be received from Sunnica.

Councillor Jones continued, saying he was less inclined to feel that the proposal was infill; if the application was approved there would be a loss of farmland and it should be retained. At this point he also wished it to be noted that his parents lived in Isleham.

Councillor Trapp declared that he had been swayed by the comments made by the Parish Council and Councillor Huffer. It seemed to him that the applicant was trying to develop on farmland and he questioned whether there was any need for another development in Isleham.

The Chairman felt that granting approval could set a precedent. Councillor Wilson agreed, saying that it was an unnecessary development in an agricultural area.

At this point the Planning Manager interjected to caution Members to be consistent, as they had just approved an application on agricultural land.

Councillor Wilson thought Members should have regard for local opinion; the Parish Council and Councillor Huffer were both strongly against the proposal.

The Chairman believed there were sufficient grounds to refuse the application: excessive damage to the rural views of the area; it would affect the amenity of the area, the cumulative effect on Isleham, and the intrusive urbanising impact on the village.

Councillor Schumann thought the location felt like the settlement edge and that there could be reasons to refuse the application. However, while he would be pleased with a refusal, he was unsure as to whether those reasons were material enough. He believed the Senior Planning Officer had made the correct recommendation and thanked her for a very balanced report.

Councillor Brown agreed with Councillor Schumann and could see no other option than to go with the Officer's recommendation

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

The results of the recorded vote were as follows:

For (5 votes): Councillors C Ambrose Smith, D Ambrose Smith, Austen, Brown, and Downey;

Against (5 votes): Councillors Hunt, Jones, Stubbs, Trapp and Wilson;

Abstentions (1 vote): Councillor Schumann.

There being an equality of votes, it was proposed by the Chairman and seconded by Councillor Schumann that the Officer's recommendation for approval be rejected and the application be refused.

The results of the recorded vote was as follows:

For (6 votes): Councillors Hunt, Jones, Schumann, Stubbs, Trapp, and Wilson;

Against (5 votes): Councillors C Ambrose Smith, D Ambrose Smith, Austen, Brown, and Downey.

It was resolved:

That planning application reference 19/01777/OUT be REFUSED for the following reasons:

- It will cause damage to the rural character of the area;
- There will be a loss of amenity;
- Cumulative impact is a material consideration; and
- It will have an intrusive urbanising impact on the surrounding rural landscape.

In drawing the meeting to a close, the Chairman thanked everyone for their forbearance and tolerance at what had been a marathon meeting.

Councillor Schumann interjected to ask for his thanks to the Chairman, on behalf of the Committee, to be placed on record, saying Councillor Hunt had conducting the meeting in such a 'fabulous' way.

The Chairman reminded all present that there would be a further 'virtual' Planning Committee meeting on Wednesday, 6th May 2020.

The meeting closed at 7.41pm.