



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a remote meeting of the Planning Committee held at 1:00pm on Wednesday 3<sup>rd</sup> February 2021, facilitated by the Zoom video conferencing system.

### **PRESENT**

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

### **OFFICERS**

Rebecca Saunt – Planning Manager  
Maggie Camp – Legal Services Manager  
Emma Barral – Planning Officer  
Kevin Drane – Trees Officer  
Caroline Evans – Democratic Services Officer  
Barbara Greengrass – Planning Team Leader  
Molly Hood – Planning Officer  
Toni Hylton – Senior Planning Officer  
Andrew Phillips – Planning Team Leader  
Adrian Scaites-Stokes – Democratic Services Officer  
Angela Tyrrell – Senior Legal Assistant  
Russell Wignall – Legal Assistant

### **IN ATTENDANCE**

Andrew Burke – Applicant (Agenda Items 6 & 7)  
Ryan Carter – On behalf of Objector (Agenda Item 5)  
Poppy Church – Applicant (Agenda Item 9)  
Ali Daslar – Agent (Agenda Item 8)  
Anthea Dodson – Parish Council Rep. (Agenda Item 9)  
Owen Garrett – Objector (Agenda Item 9)  
Vladimír Matěják – Objector (Agenda Item 8)  
Sophie Pain – Agent (Agenda Item 9)  
Edward Rice – Applicant (Agenda Item 8)  
Andy Thomas – County Archaeology (Agenda Items 6 & 7)  
Tom Woolhouse – Applicant's Archaeological Adviser (Agenda Items 6 & 7)

## **63. APOLOGIES AND SUBSTITUTIONS**

Apologies for absence had been submitted by Councillor Josh Schumann. Councillor Lis Every was substituting on his behalf.

Councillor Matt Downey was not present.

**64. DECLARATIONS OF INTEREST**

Cllr Trapp declared a prejudicial interest on Agenda Items 6 and 7 (20/00932/FUL and 20/00935/FUL both relating to The Abbey, Abbey Lane, Swaffham Bulbeck, Cambridge, CB25 0NQ) as he was friends with the applicants. He informed the Committee that he would speak as Ward Councillor for each application and then absent himself for the debate and voting.

No other declarations of interest were received.

**65. MINUTES**

The Committee received the Minutes of the meeting held on 2<sup>nd</sup> December 2020.

It was resolved:

That the Minutes of the Planning Committee meeting held on 2<sup>nd</sup> December 2020 be confirmed as a correct record and be signed by the Chairman.

**66. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- The Government had announced the results of the Housing Delivery Test, an annual measurement of housing delivery, and East Cambridgeshire District Council had passed the test achieving 87% when the threshold was set at 75%. Together with the latest 5 year land supply position published in December 2020 he reported that the Authority was in a strong position to resist speculative development.
- Following the challenge made by East Cambridgeshire District Council and the subsequent quashing of the Planning Inspector's decision for two appeals at land south of Main Street in Witchford, a two day appeal hearing had been scheduled for the 9th and 10th March. This would run as a digital event due to the current pandemic. Officers were requested to keep Witchford Parish Council updated.
- Members were reminded that March's Planning Committee meeting would be starting at the slightly later time of 2:30pm.
- Members were reminded to consider carefully why they were calling an application in to Planning Committee and ensure the reasons were clear and justified.
- The Authority was flying the Union Flag over The Grange at half-mast in memory and appreciation of Captain Sir Tom Moore.
- A request had been received to discuss Agenda Items 6 and 7 as a single item since both related to the same property. Following consultation with Officers prior to the meeting he confirmed that they would be considered separately since, although many facts would be the same for both, it would be possible for different decisions to be reached on them.

*Councillor Matt Downey joined the meeting during this item.*

**67. TPO/E/01/20 - 10 ABBEY CLOSE, BURWELL**

Kevin Drane, Trees Officer, presented a report (ref V124, previously circulated) which sought confirmation of a Tree Preservation Order (TPO) for one tree in the rear garden of 10 Abbey Close, Burwell.

He highlighted that the key points for consideration were:

- The opinion of the local residents who wanted the TPO confirmed
- The objections to the TPO from the neighbour
- The amenity value of the tree and its visual impact in the local landscape.

He showed Members various photographs of the site including the tree itself, its proximity to the surrounding properties, and the footpath and uneven paving slabs in the communal area outside the garden. He showed the tree height to be approximately 60ft/18m and commented that it had a wide-spreading crown with very little deadwood in it. He drew Members' attention to the "mounding" rather than a "lip" on the raised footpath, which he felt could be straightforward for the duty holder (Cambridgeshire County Council) to fix and commented that it was not possible to definitively state the cause of the uneven paving slabs without lifting them but suggested that it could be due to the tree's roots or the age of the development or a combination of the two.

In support of the TPO he stated that the tree was visible to neighbouring residents and made a visual impact and contribution to the local landscape as well as providing a wildlife habitat. The tree was assessed on its amenity value as that was the only requirement needed when evaluating trees for new Preservation Orders. He explained that the owner had requested the TPO in order to protect the tree due to pressures for pruning which she felt were unsuitable.

He informed Members that objections had been received from a neighbour who felt the TPO would be used to avoid the owner's duty of care, didn't agree with the Officer's opinion of the tree's amenity value, was concerned that if the tree fell it would cause damage to people or property, was concerned that the tree roots were damaging the footpath and the tree could be causing other unseen damage, and felt that a TPO would unnecessarily restrict any new owners of the property.

He reiterated that the tree had been assessed relating to its current condition, with no issues noted relating to the foreseeable failure of the tree. He clarified that if the TPO was granted it would not necessarily prevent pruning but the owners would need to apply to the Authority for permission to work on the tree and would need to agree tree work specifications with them. The TPO would also mean that the tree could not be removed without consent. Any prospective purchasers of the property would be informed of the presence of the TPO prior to their purchase as part of a land search. He stated that there had been no reports of subsidence in the area and that the soil type within Burwell did not lend itself to subsidence. Neither had there been any reports of blocked drains.

He concluded by asking Members to consider the residents' opinions supporting the TPO and the neighbour's opinion opposing it, and then to decide whether to confirm the TPO in line with the tree owner and Officer supporting the amenity value of the tree.

The Chairman thanked the Trees Officer for his comprehensive report and clear options.

At the invitation of the Chairman, Ryan Carter read aloud the following pre-prepared statement on behalf of Di Kennedy as an objector to the application:

*"I wish to make the following statement in relation to the proposed TPO:*

*I am disappointed and dismayed that what was a conversation about pruning some overhanging branches has resulted in the matter being heard at a planning committee meeting.*

*I personally feel that the local council and its representative have been taken advantage of in pursuing a course of action which is simply not necessary.*

*The fact that there are 2 similar trees in close proximity to the tree in question without TPO's would seem to support my assumption and prove that the council is not seeking to protect a rare specimen.*

*I do not want the tree cut down and I fear that the granting of a TPO will be relied upon so that the tree is not maintained and continues to present a health and safety risk to others. I fully understand that the TPO does not prevent pruning but neither does it compel any pruning. I fear that the tree will be left and present a real risk to others should a TPO be granted.*

*The amenity value of the tree is subjective but I feel it is overbearing on its surroundings and a TPO would place an unnecessary burden and restriction on the householder. The tree is not suitable for its residential surroundings and should not be afforded the protection of a TPO.*

*The scale of the tree is uncommon and the council representative has confirmed that the lifting of the adjacent tarmac and paving slabs, thus causing a dangerous situation could be attributed to the roots of the tree.*

*Should the tree be felled in its current state due to weather conditions, it would potentially cause considerable damage to surrounding properties and cause injury to persons.*

*Regardless of the council's decision today, I am pleased that I have placed my concerns on record. should anyone be injured in the future by a tree that was afforded the protection of a TPO and had become dangerous.*

*As the owner has explained, if she feels the tree is under good management, I fail to see why a TPO would be required.*

*To reiterate, I do not want the tree cut down and clearly neither does the owner so I would argue that the granting of the TPO is completely unnecessary and sets a needless precedent for the council."*

Cllr Jones asked whether, if the tree fell, it could hit a house and also whether it would grow any larger. Ryan Carter responded that it was huge and if it fell it would fall into Di Kennedy's property. He couldn't comment on its potential growth but reiterated the view that it was overbearing.

With the permission of the Chairman, the Democratic Services Officer read aloud a statement supplied by the applicant, Patricia Henry:

*"Dear Committee members,*

*I would like this statement to be read out to support my application for. TPO. I have applied for a TPO for the silver birch in my back garden at the above address.*

*It is well within my boundary but the branches overhang an area of communal space which belongs to Priory Close. I live in Abbey Close and contribute to the upkeep of the green area in front of my house along with my neighbours but am under no obligation to the upkeep of the communal area in Priory Close.*

*We moved into this house 22 years ago and one of the reasons we fell in love with the house was the lovely silver birch at the bottom of our garden. I love nature and wildlife and as a family we all love birds. Over the years that tree has been home and a perching space for blackbirds, blue tits, gold finch, sparrows and pigeons. They have nested in it and we have a resident squirrel who has a dray in it.*

*It was a place for us as a family to watch the seasons come and go and my 3 girls have always said how much they have loved that tree and sat under it or were playing around in its shade over the years when they were little. Sadly my marriage ended 12 years ago and overnight I became a single Mum raising my 3 girls on my own.*

*It was around this time that one neighbour who lives behind my house came around to my front door and said to me "I know you are a single parent now, but when you can manage to get a few pennies together I'd appreciate it if you could get something done about that tree at the back. It's far too big and is bigger than my house" The silver birch is not near her house or garden but she seems to have a lot of anxiety about it. Her words made me worry a lot and I felt intimidated and under pressure to get a tree surgeon to have a look at it.*

*He checked the tree and said it is a fine healthy tree and he could see that it had a very good shape. This is because it had tree surgery and shaping done to it by the previous owner of our house. He went ahead and carried out sensitive tree surgery to it. He did not touch the crown. Another neighbour 2 doors down from me had tree surgery done on her silver birch by a disreputable tree surgeon who completely reduced the height of the tree by removing the crown and the tree rotted and died 2 years later and had to be cut down so I did not want my tree's height to be reduced like that. I paid over £300 plus vat for the tree surgery to be done and sent the neighbour who complained a letter informing her of the health of the tree and the work that had been done.*

*She seems to see the communal space in Priory Close as her sole responsibility to keep neat and tidy, tidy and neat. Over the years I have witnessed her sweeping up the fallen twigs from my tree and throwing them over my fence into my back garden. I haven't challenged her about it.*

*She came around again 2 years ago and asked me to get the low branches cut back as they were too low. I got help and had them all cut back. Last year, when we were repairing the wall at the back, she came over to myself and my partner (who moved in over a year ago) and was very aggressive to me about the twigs saying I could come out and sweep up all the twigs from my tree when I found the time. I work fulltime as a specialist nurse in Addenbrookes hospital and we were up to our eyes with looking after our patients during the first lockdown. I have very little spare time but twigs and leaves fall from trees all the time and I don't see how it is my responsibility to be out there regularly sweeping them up. If it is a legal responsibility of mine and I am expected to I could understand but the communal space belongs to Priory Close and should be a joint responsibility for all the residents who live there to sweep up twigs, if that's what she wants, and not mine.*

*I was very upset by last year's incident and over the years I have felt "got at" and bullied by this neighbour. I was upset to think something myself and my family loved and got so much pleasure from was upsetting someone else so much. I don't like to not get on with people, especially neighbours. I had been worrying ever since she had "a go " at me last July that she would complain so much about it that I would have to have it cut down. So I looked into how I could protect the tree , for my own family and for future generations and I found out I could apply for a TPO. Trees are so important, especially in the world we live in now and they cannot protect themselves. So I applied for the TPO and that is what has brought us to the meeting today..... to decide its future. I have been heartened by the numbers of other neighbours who have come to me saying how much they like and enjoy the tree admiring it often as they walk past it. The tree adds to the area in my view and would leave such a gap is so many ways if it was to go....*

*Kind regards  
Patricia Henry"*

Before inviting questions for the Trees Officer from Members, the Chairman asked him for further information regarding the other two trees mentioned in the objection. The Officer replied that they were not in as good condition as the one under consideration and as such were not appropriate for a TPO.

Cllr Edwards commented that she had recently visited the site and felt the tree was a lovely specimen. She asked for his opinion on the health of the tree and whether it would cause damage if it fell in high winds. He responded that although it was always possible for a tree to fall in a severe gale there was nothing to suggest that the particular tree was at risk. Cllr Trapp commented that having measured a distance of 60ft/18m on the supplied map he believed that if it fell then it would miss the houses around it. The Officer agreed that was in line with his assessment. He acknowledged that the objector's house was the closest to the tree but said that in his view, at most, the very flexible upper branches would reach the property if it fell.

Cllr Jones asked if the tree would grow much taller, questioned who was legally responsible for leaves and twigs that naturally fall from trees and asked for more information about the process for requesting permission to prune a tree that was subject to a TPO. Kevin Drane responded that he would not anticipate a large increase in height but the crown would continue to spread, and confirmed that there was no requirement for a tree owner to clear up its fallen leaves and twigs. He explained that a tree work application took a maximum of 8 weeks but could be much quicker for more urgent work, and the same day for a dangerous tree. He also clarified that no permission would be needed for removal of dead wood and there was no charge for placing a tree work application.

The Chairman asked for clarification as to whether, if the TPO was granted, any member of the public could report to the Trees Officer what they perceived to be deterioration of the tree and if so could the Officer then require work to be completed on it if he/she deemed it necessary. Kevin Drane agreed that although the owner would retain responsibility for completing the work the Trees Officer could instruct them that work must be done.

The Chairman then opened the debate on the confirmation of the TPO.

Cllrs Edwards, Ambrose Smith and Wilson spoke in favour of the Officer's recommendation to confirm the TPO. Cllrs Brown and Jones both felt there was a balance to be drawn and were concerned that the bureaucracy of a TPO was not necessary given the tree was not at risk.

Cllr Edwards proposed the motion for agreeing the Officer recommendation, Cllr Ambrose Smith seconded it and on being put to the vote it was duly carried with 8 votes for, 2 against, and 1 vote unable to be counted due to internet connection issues.

It was resolved:

That Tree Preservation Order E/01/20 be CONFIRMED.

**68. 20/00932/FUL - THE ABBEY, ABBEY LANE, SWAFFHAM BULBECK**

Emma Barral, Planning Officer, presented a report (V125, previously circulated) recommending the approval of the application to construct a tennis court in the garden at The Abbey, Abbey Lane, Swaffham Bulbeck, CB25 0NQ subject to the recommendations detailed in Appendix 1 of the report.

She showed various maps, aerial views and photographs of the site and explained that the application fell outside the development envelope and within a Conservation Area Boundary. She informed Members that The Abbey was a Grade I Listed Building sitting within a recently-certified Scheduled Ancient Monument but the proposed tennis court site lay outside the area covered by the Schedule of Monuments and previous work undertaken by the current owners on the site had been both sympathetic and to a high standard. She outlined the proposed dimensions and construction of the tennis court.

The main considerations for the application were deemed to be:

- **Principle of Development** – considered to be acceptable as the proposed works were within the residential curtilage of the dwellinghouse and for the enjoyment of its occupiers.
- **Residential Amenity** – there were no nearby neighbouring occupiers that would be affected by the proposed tennis court and surrounding fence.
- **Visual Amenity** – the proposed site would not be overly visible from the main house nor the public highway to the south. It was not considered to result in harm to visual amenity and was deemed to comply with Policies ENV2 and ENV11 of the Local Plan 2015. Due to the proposal being set in the grounds of a Grade I listed property, and to ensure a high-quality finish, a planning condition had been appended regarding details of the proposed fencing.
- **Historic Environment** – the Conservation Officer and Historic England had been consulted and following their assessments the application was considered to comply with Policies ENV11 and ENV12 of the Local Plan 2015 by preserving the character and appearance of the Swaffham Bulbeck Conservation Area and the Listed Building, and being compatible with the character of the Listed Building. The Conservation Officer had stressed that given the proven archaeological sensitivity of the site,

Cambridgeshire Archaeology's<sup>1</sup> view on the application would be paramount.

- **Archaeology** – the Planning Agent, applicants and County Archaeology<sup>1</sup> had been involved in lengthy discussions since the application was first validated and whilst all were in agreement on the archaeological potential of the proposed tennis court site they had been unable to reach consensus on the wording of an archaeology condition to be appended to any consent granted. The Officer drew Members' attention to the wording proposed by County Archaeology and recommended by the Officer in paragraph 3 of Appendix 1 to the report, and that proposed by the applicants in Section 7.25 on page 13 of the report.

The Officer informed Members that Andy Thomas was present at the meeting on behalf of County Archaeology should Members wish to question him, and she concluded that Members were recommended to approve the application subject to the conditions set out in the Appendix to the report.

Upon the invitation of the Chairman, Andrew Burke then spoke as the applicant. He acknowledged the Officer's recommendation for approval and explained that his concern was the archaeological condition attached to it. He expressed frustration about the length of time the application had taken and that after around 15 months of dealings with County Archaeology he felt that their condition as drafted would lead to ambiguity and lack of clarity as to what needed to be done. He referred to an independent archaeological report that he had commissioned to accompany the planning application and explained that the area they had selected for the tennis court site was chosen because it was outside the earthworks. He noted his disappointment that the Cambridge Historic Environment Team<sup>1</sup> (CHET) had not visited the site and commented that he found them obstructive and hard to work with. He concluded that he was privileged to live in a Grade I listed property and that he respected that and worked with the statutory bodies. He was aware that remains could be found and would be very happy if that were to be the case. He stated that he would have an archaeologist on site but felt that the archaeological condition as recommended by the Officer was unduly confusing and restrictive and would lead to further prolonged discussion. He informed Members that Tom Woolhouse, his archaeological adviser, was present at the meeting to answer any relevant questions.

Cllr Brown asked for clarification regarding the fundamental difference between the wording of the condition recommended by the Officer and that requested by the applicant. Tom Woolhouse replied that while he was not qualified to discuss the wording of conditions the applicants were seeking clarity on the exact level of work needed since the recommended condition did not provide that. Andy Thomas (County Archaeology) responded that it was a standard condition allowing a degree of flexibility and would be up to the archaeological contractor and the applicant to discuss it further. He commented that a written scheme of investigation (WSI), as detailed in the condition in paragraph 3 of Appendix 1 of the report, would be in line with the guidance of the Chartered Institute for Archaeologists (CIfA) and the requirement for a WSI was the key element missing from the applicant's proposed wording of the condition. Cllr Brown questioned

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<sup>1</sup> "Cambridgeshire Archaeology", "County Archaeology", "Cambridge Historic Environment Team" and "CHET" are all names for the same organisation.



whether the applicant's wording would do the same and Andy Thomas replied that it would not allow for suitable consideration and discharge.

The Chairman asked Andy Thomas to confirm that he would recommend approval subject to condition 3 of Appendix 1, and he concurred.

Cllr Trapp spoke as Ward Councillor and explained that in his opinion the current owners of The Abbey had completed substantial and carefully considered work on the property and were very conscious of the heritage they were preserving. He expressed surprise that although CHET had never visited the site, despite having been invited, they sought to impose what the applicants felt to be heavy conditions and he commented that conversely Historic England and the independent adviser Tom Woolhouse had both visited the site and deemed that the proposed tennis court site was unlikely to be important archaeologically. He expressed the opinion that CHET's powers should be exercised responsibly and with care not to be too onerous. He informed Members that he knew from personal experience that there had previously been a tennis court at a different location at the property where the rill pond was proposed and that it was now grassed over which he cited as evidence that tennis courts did not have to be permanent structures. He stated his opinion that the applicant's suggestion to have a watching brief during the excavations should be sufficient since the depth needed for a tennis court would be shallow.

Andy Thomas responded that the ClfA standards and guidance require all archaeological fieldwork, including watching briefs, to be governed by a WSI.

Cllr Jones asked if the delay had been due to Covid and Cllr Trapp responded that he believed County Archaeology had led to delays.

Cllr Stubbs asked Cllr Trapp to clarify the factual basis on which he had called the application in to Committee since Members must exercise care regarding their responsibilities in the Committee and not rely on thoughts or feelings. Cllr Trapp responded that his call-in was based on the length of time taken to date, the unclear conditions and that the conditions may be tortuous to complete.

*Cllr Trapp left the meeting at 2:22pm due to his prejudicial interest in the application.*

Emma Barral clarified that one significant delay to the application was caused by the wait for the outcome of the decision regarding the designation as a Scheduled Ancient Monument. Subsequent time taken was due to mediating between the applicant and agent and CHET. In response to further questions from Members she reiterated that the proposed wording of condition 3 in Appendix 1 was on professional advice of the consultees and therefore approval was recommended subject to the conditions in the Appendix. She also made clear that she had worked with both County Archaeology and the applicant in forming the recommended conditions.

The Chairman opened debate. Cllr Stubbs expressed concern that the application had been called in to Committee since she believed it to have been a detailed process completed by well-qualified Officers on a very important site and reminded Members that the Officer had recommended approval. The site was of such historical value and the proposed condition from officers reflected this. Cllr

Hunt shared her concerns that the call-in had come from a Member with a prejudicial interest in it. Cllr Downey agreed with the merits of the application and the Officer-recommended conditions but commented that in his opinion the call in of a contentious application was reasonable. Cllr Jones commented that it appeared to be a complex issue so he would follow the expert advice but hoped CHET would be sensible about the impositions placed on the applicant.

Cllr Stubbs proposed the motion for agreeing the Officer recommendations, Cllr Downey seconded it and upon voting it was duly passed with 10 votes for, none against and no abstentions.

It was resolved unanimously:

That planning application ref 20/00932/FUL be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report.

*Cllr Trapp returned at 2:38pm.*

#### **69. 20/00935/FUL - THE ABBEY, ABBEY LANE, SWAFFHAM BULBECK**

Emma Barral, Planning Officer, presented a report (V126, previously circulated) recommending the approval of the application to construct a borehole and rill pond in the garden at The Abbey, Abbey Lane, Swaffham Bulbeck, CB25 0NQ subject to the recommendations detailed in Appendix 1 of the report.

Since the application was from the same applicants as the previous item she referred Members to the background information given for that item and added photos of the proposed site of the rill pond and borehole, including the home office that had been constructed in recent years and would remain in place with the borehole behind and rill pond in front. She also provided details of the dimensions and construction of both.

The main considerations for the application were deemed to be:

- **Principle of Development** – considered to be acceptable as the proposed works were within the residential curtilage of the dwellinghouse and for the enjoyment of its occupiers. In addition the proposal did not result in a fundamental change to the use of that part of the Abbey grounds.
- **Residential Amenity** – considered to comply with Policy ENV2 of the Local Plan 2015 since its location and scale would not create any significantly detrimental effects on the residential amenity of nearby occupiers. There were also not considered to be any concerns in relation to water pollution as the proposals were for private use within the curtilage of the dwellinghouse.
- **Visual Amenity** – considered to comply with Policy ENV2 of the Local Plan 2015 by being designed to a high quality and utilising sympathetic materials and not visible from the main house nor the public highway to the south.
- **Historic Environment** – the Conservation Officer and Historic England had been consulted and following their assessments the application was considered to comply with Policies ENV11 and ENV12 of the Local Plan 2015 by preserving the character and appearance of the Swaffham Bulbeck Conservation Area and the Listed Building, and being compatible with the character of the Listed Building. The Conservation Officer had stressed that given the proven archaeological sensitivity of the site,

Cambridgeshire Archaeology's view on the application would be paramount.

- **Archaeology** – the Planning Agent, applicants and County Archaeology had been involved in lengthy discussions since the application was first validated and whilst all were in agreement on the archaeology potential of the site they had been unable to reach consensus on the wording of an archaeology condition to be appended to any consent granted. The Officer drew Members' attention to the wording proposed by County Archaeology and recommended by the Officer in paragraph 3 of Appendix 1 to the report, and that proposed by the applicants in Section 7.26 on page 14 of the report.

In conclusion she recommended to Members that the application be approved subject to the conditions set out in Appendix 1 of the report.

The Chairman invited the applicant, Andrew Burke, to speak and he in turn asked his archaeological adviser, Tom Woolhouse, to address the Committee.

Tom Woolhouse read from a pre-prepared statement:

*“You will be aware that the Abbey house is a Grade I listed building, while the immediate area around the house and part of the garden to its north have recently been designated a Scheduled Monument.*

*Both application sites under consideration here are located some distance away from the house and are well outside the Scheduled area.*

*Both sites are also outside the area of mapped above-ground earthworks at the property. A topographic survey carried out by the Royal Commission on Historical Monuments in 1972 concluded that the majority of the earthworks at The Abbey, including those closest to the rill pond site, were most likely to belong to a complex of post-medieval farm buildings rather than to the medieval Abbey, and therefore of lower archaeological interest.*

*Last year's Historic England Scheduling Report explicitly agrees with the RCHM's conclusions.*

*Furthermore, 18th- and early-19th-century maps (Chapman's Map of Newmarket Heath, 1768; Swaffham Bulbeck Inclosure Map) suggest that both application sites may actually be outside the historic boundaries of The Abbey. Prior to the mid- to late 19th century, the house and associated buildings appear to have occupied a long, narrow plot, with a curving western boundary, that excluded much of the present-day curtilage of Clare and Andrew's property, including both the application sites. So perceived association with the medieval abbey may be a red herring here.*

*This is not to say that the sites have no archaeological potential. Certainly, the Cambridgeshire Historic Environment Record lists a number of sites and finds, notably of later prehistoric and Roman date, in the wider landscape around the Abbey. However, there is nothing to necessarily suggest that either application site has a notably high archaeological potential.*

*The rill pool involves excavation of a 15 x 4m area to a depth of 1.5m, certainly a level of impact on below-ground deposits, though within quite a localised footprint. The lawned area where the proposed pool is located is raised by approximately 1m from the land to the west and south and has the appearance of having been built up at some time in the past. The HE Consultation Report produced last year considers whether the build-up in ground level may have been associated with construction of a tennis court. Nevertheless, there is a chance that the majority of excavation for the rill pool may be into relatively recent made ground.*

*Clare and Andrew have made considerable efforts, from an early stage in the formulation of their proposals, to try to understand the archaeological potential of the application sites, and to understand whether the developments will have any archaeological impact.*

*They commissioned Barton Willmore to prepare a Heritage Statement for the rill pool in October 2019.*

*Following comments to ECDC from Cambridgeshire Historic Environment Team (CHET), Clare and Andrew then contacted PCA in January 2020. We advised that the best approach in our opinion might be for a professional archaeologist to dig and record a trial trench or test pit within the rill pool footprint, to ascertain with certainty the presence or absence, and significance, of any archaeological remains that might be present, and thereby allow an appropriate mitigation strategy to be developed.*

*We approached CHET to discuss this proposed evaluation work, but at that time they declined to issue a Brief for it on the basis that they did not consider the site to be suitable for development. They also indicated that they would continue to object to the proposals on the basis that they considered the site to have 'equivalent status' to a designated heritage asset within the terms of the National Planning Policy Framework.*

*Since then PCA prepared a desk-based assessment which involved a site walkover and documentary research.*

*All of the submitted reports, including those compiled by Historic England, conclude that the areas outside the core of The Abbey site have relatively lower archaeological potential. The Scheduling chose to exclude both application sites and their immediate areas from the designation on this basis.*

*What Clare and Andrew would like after 15 months of uncertainty is clarity about what level of archaeological investigation is required and they would like that to be pinned down now. We believe that in view of the likely archaeological potential, and the scale of development impact, that the impacts could be appropriately mitigated by means of archaeological monitoring during construction – commonly termed a 'watching brief'."*

The Chairman invited questions from Members for Tom Woolhouse.

Cllr Jones asked for clarification about the expediency and/or cost implications of a watching brief vs the Officer-recommended condition whilst recognising that cost was not a planning consideration for the committee. Tom Woolhouse responded that he couldn't comment on potential costs but reminded Members that a

watching brief would not necessarily mean a minimum level of work since the amount of work would depend on whether or not archaeology was encountered.

Cllr Trapp was invited to speak as Ward Councillor and stated that there was little to add to his previous comments on the previous agenda item. He reiterated his belief that a watching brief should be sufficient and he confirmed that there was once a tennis court on at least part of the area proposed for the rill pond.

*Cllr Trapp left the meeting at 3:00pm due to his prejudicial interest in the application.*

Emma Barral clarified that the designation of part of the property as a Scheduled Ancient Monument determined where development could and couldn't take place, the site of this proposal was outside that area so could be developed but her recommendation was that it should be subject to the County Archaeology conditions as set out in Appendix 1 of the report.

*Cllr Hunt's video and/or audio connections were briefly intermittent from the end of Tom Woolhouse's statement until this point.*

The Chairman opened the debate. Members commented that the issues were little different from those in the previous Agenda item and commended the Officer for her hard work on both applications dealing with such a sensitive site.

Cllr Jones proposed the motion for approving the Officer recommendations, Cllr Stubbs seconded it and upon voting it was duly passed with 10 votes for, none against and no abstentions.

It was resolved unanimously:

That planning application ref 20/00935/FUL be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report.

*Cllr Trapp returned at 3:04pm.*

*A short comfort break was taken 3:04-3:10pm.*

## **70. 20/01111/FUL - SITE ADJACENT TO 3 MAIN STREET, PRICKWILLOW**

Molly Hood, Planning Officer, presented a report (V127, previously circulated) recommending approval for the erection of two detached dwellings with one detached garage and off-road parking on a site adjacent to 3 Main Street, Prickwillow, CB7 4UN

She showed Members various site maps, photographs and elevations and informed them that the application site was within Flood Zones 2 and 3 and the Goose and Swan Impact Risk Zone, it was also partially outside the development envelope for Prickwillow.

The main considerations for the application were deemed to be:

- **Principle of Development** – the site has extant planning permission for three dwellings, therefore principle of development had been established.
- **Residential Amenity** – 3 letters of objection had been received from the neighbouring property regarding the impact of the development.

Amendments had since been made by the applicant resulting in changes to Plot 2 of the application. The application was considered to comply with Policy ENV2 of the East Cambs Local Plan 2015.

- **Visual Impact** – considered that the proposals were not considered to be harmful to the character of the street scene or its locality and were considered compliant with the Local Plan policies.
- **Highway Safety** – the site used an existing access point and contained sufficient parking and turning space for each plot. It was considered compliant with policies COM7 and COM8.
- **Flood Risk** – two previous outline planning permissions for the site remained extant therefore the development met the Sequential and Exception Tests. The Environment Agency raised no objection as long as the development was carried out in accordance with mitigation. The Flood Risk Assessment recommended the finished floor levels be raised to 1.5m AOD. The measurements had been conditioned in Appendix 1 of the report.
- **Ecology & Trees** – minimal disturbance to the trees and hedges was expected. The Ecologist advised that there would be insignificant effects on the Goose and Swan impact Risk Zone, and Natural England and The Wildlife Trust raised no objections.

Molly Hood summarised that the application was recommended for approval subject to the conditions detailed in Appendix 1 of the report.

At the invitation of the Chairman, Vladimír Matěják read aloud his pre-prepared statement objecting to the application:

*“Good afternoon.*

*My name is Vladimír Matejak and I live at 3 Main Street, Prickwillow. Our house used to be a Primitive Methodist Chapel before it was converted for residential use in 1988. For 175 years, The Old Chapel has been a solitary building with no immediate neighbours, separated from the rest of the village envelope by open countryside. It continued to benefit from this high standard of residential amenity and privacy also during the last 30 years of its history as a family home.*

*We do not entirely oppose any development on this site. Houses of smaller scale, following a linear development along the Main Street as established by No. 3 and other houses on the opposite side of the road would cause significantly less harm.*

*I'd like to take this brief opportunity to bring to your attention several items from the officer's report that are disputable.*

#### *Principle of development*

*The officer's report suggests that the principle of development was previously established through the approval of two outline planning permissions. We would agree with that statement if the proposed development stayed within the limits previously defined. This is clearly not the case. The current full planning application is very different to what has been previously approved as an outline and it should therefore be rejected for being outside of the development envelope.*

*The planning policies should not be abused by applicants to get an outline planning application outside the development envelope when there is not a demonstrably sufficient supply of homes and subsequently inflate the size of the house in a full planning application that would never be permitted under normal circumstances. We understand the motivation why many applicants are trying to do so, but we also hope the committee members will agree with us that this is not acceptable.*

*Members might also remember from September last year a full planning application for a large Georgian style house that had an extant planning permission for barn conversion outside of the development envelope in Brinkley, which is not too dissimilar from this case and was refused by this committee.*

#### *Residential amenity*

*According to the Officer's report, the revisions made to Plot 2 are considered to minimise the harm and the proposed dwelling is not considered to result in significantly detrimental impacts.*

*We cannot agree with this statement. Yes, the harm may have been reduced by removing any windows from the south-west elevation. However, the harm most certainly has not been minimised and there is still a significant space for improvement. In fact, the location of the dwelling has neither changed nor moved closer to the road as suggested in the report. The south-west elevation has moved even closer to the boundary not away from it as described in the report.*

*The privacy of our curtilage would be negatively affected not only by the close proximity of the dwelling, but also by the elevated ground upon which this house is supposed to be built. The large rear patio, drawn in the Block Plan at 1.2 meters above ordnance datum, would provide unrestricted view of our garden. For illustration, we estimate that this patio would sit around 0.5 meters above our current fence which is 0.9 meters high.*

*Additionally, no comments are made in the Officer's report on residential amenity and overlooking between Plot 1 and Plot 2. We believe that the staggered positioning away from the streetline cannot provide a high standard of amenity and privacy for future users.*

#### *Visual impact*

*The previous outline planning application for Plot 2 strictly limited the scale of the dwelling to 10 by 12.5 meters with ridge height 7.69m. This limit was based on requested amendments which reduced the originally proposed scale so the dwelling would not create a dominant feature in the street scene where 4 bungalows are in immediate vicinity. It is a complete mystery to us, why the same officer that has requested these amendments for the outline application now considers much bigger houses not to be dominant. Especially, when one of the proposed houses has an unconventional architectural design that doesn't relate sympathetically to the immediate surrounding area.*

*With open boundaries, the adjacent fields owned by the applicant could be effectively considered as an excessively large curtilage to the two houses. This would lead into further encroachment into the countryside in the form of a large*

*residential garden completely surrounding our property. Therefore, all the boundaries to the adjacent fields should ideally be enclosed and not open as suggested in the report.*

*The visual amenity of the area would also be negatively impacted by raising the ground up to 1.5 meters around these houses which would create an unnatural step in landscape. All the other neighbouring houses are sitting much lower below the street level.*

*Other matters*

*Paragraph 7.9.1 of the report says that the approved drawings have been checked and the proposed elevations indicate that the dwellings floor will be 1.5m AOD. From what we can see, there is a discrepancy between the latest elevation plans and the block plan, which still shows floor levels at 1.35m. If the street scene view at the bottom of the block plan is dimensionally correct, then raising the floors to 1.5m would also likely increase the ridge heights above level indicated on this drawing which already exceeds the previous outline permission.*

*Thank you for the opportunity to talk to you today and for your attention and I'd welcome any questions you may have regarding these points or any other planning matters, mentioned in our objection letters, such as the local architecture, ecology and highway safety."*

He also commented that he remembered that one of the earlier outline permissions had an archaeology condition on it but had not seen any such conditions proposed for this application.

Edward Rice, the applicant, was then invited to address the Committee and he read aloud his pre-prepared statement:

*"Since outline permissions were granted for this site, along with our architects and the planning officer, we have worked closely for several months to produce a design for 2 family homes on our central plot in Prickwillow, which fulfil all the planning regulations and are sympathetic to the surrounding environment.*

*Having originally gained permission for three dwellings, we have reduced this to two and have redesigned them significantly on more than one occasion, including their complete repositioning on the plot, in large part to help overcome all the objections raised by one of the neighbours. In an effort to reach an acceptable outcome for everyone. This has meant considerable compromise of the original plan and the current scheme has received no objections from any of the statutory consultees. We now fully support the planning officer's recommendation to approve this application.*

*The application was set to receive consent in December when it was called into planning committee by Councillor Whelan. This was on the basis of: -*

- The site falling outside the Local Plan development area*
- The impact on the area and on the neighbours*

*In response to the local plan issue, the site has outline planning permission already established and, as the planning officer explains in section 7.2. of her*



*report to this committee, the principle of development has been agreed; this permission remains live and development can proceed.*

*Regarding the second point, the impact on the area and neighbours, this has been extensively addressed in conjunction with the planning officer and the architects by the reduction in scale of development and alteration of the design as outlined in section 7.3 of the Planning Officer's report, which concludes the proposal is not considered to have a detrimental impact on the residential amenity of existing and future residents.*

*In terms of impact on the area, both properties are considered to be sympathetic in form, scale, layout and materials to the immediate area of the street scene.*

*Additionally, we have corresponded with all the other neighbours originally consulted in the planning process and a number of other residents on the Main Street within 100m of this proposed development and we asked them regarding the issues raised by Councillor Whelan. We have had many written responses, all of which were in full support of the development, with no adverse response at all. For example: -*

*'As far as I can see, the proposed dwellings can only improve the look of Main Street. The dwellings discussed would join up existing housing on that side of Main street to reflect the rest of the village.'*

*'After looking at the proposed building plans, I see nothing but a positive impact on the area. It's currently what looks like waste land so my personal opinion is that the two properties would enhance Prickwillow's appearance.'*

*The site has been in my family for over a hundred years; my grandparents lived on the site from their marriage in the 1920s and my father was born there in 1931. The planned buildings are for myself and another member of the family and, as custodians of the land for many decades and, as Chairman of the Prickwillow Village Council for 8 years, I would never wish to create new housing which would negatively impact the local community or upset the residents in the village, many of whom I have known for 60 years.*

*I consider we are building homes which enhance the street scene in the heart of our community. I am pleased to be living within a diverse and developing village with new housing being approved and built along Old Bank, Main Street, Prickwillow Road and even the development of St Peter's Church, all of which are encouraged and welcomed by the community.*

*I am in full agreement with the planning officer in her recommendation that this application be approved and trust that the committee will support her conclusions."*

In response to a drainage question from Cllr Jones, Edward Rice asked his architect, Ali Dalsar, to answer on his behalf. Ali Dalsar informed members that surface water needed consideration when building "out of ground" in properties such as this with a high floor level and level differences and surface water run off needed to be considered. He noted that 3 Prickwillow Road was also quite high and he stated that any drainage put forward for this development would ensure no adverse effects on the neighbours outside it.

Cllr Trapp asked Edward Rice where the positive statements he read out had come from since Members' packs had only contained negative comments. Edward Rice commented that all of the negative points were received from one respondent and that he had personally asked others; those were the comments he read aloud and had also been given to Cllr Whelan. The Chairman reminded Members that no weight could be given to neighbours' comments that had not been seen by them.

At the invitation of the Chairman, the Democratic Services Officer read aloud a written statement supplied by Ward Councillor Alison Whelan:

*"Unfortunately, due to other commitments, I am unable to be with the Committee today.*

*I have called this matter in, not because I am opposed necessarily to development, but because I have concerns about the specific plans. The site plan offers concern about the proximity and scale of the planned properties to the converted chapel neighbouring the development.*

*I know there are other reasons that are of concern to some, and it is best that they present those arguments themselves, however, if this property was to be built in the current location, it would be out of place to the former chapel.*

*At a time that there is a demand for property, it is good to see infill land being used, however, it must be respectful to other properties already in the location.*

*I would urge that the design is reconsidered to be more considerate to the location and the neighbours and neighbouring properties."*

Cllr Trapp asked the Planning Officer for clarification regarding the access to No. 7 should the application be approved, and what was opposite the site. She explained that there was currently an additional access point for No. 7 so they would not lose access or private parking. She informed Members that on the opposite side of the road there were a range of single- and two-storey buildings all of which were situated in the flood zone and below road level.

Several Members raised questions regarding the extant outline planning permission for three properties. The Planning Officer and Rebecca Saunt, Planning Manager, and Barbara Greengrass, Planning Team Leader, explained that although the extant permissions for three dwellings would apply until their expiration dates the physical locations of the buildings in the application under consideration, if approved, would prevent the implementation of the older permissions.

The Chairman opened the debate. Cllr Every commented that she was the County Councillor for this ward and that she could not see any planning reasons to refuse permission. She congratulated the Planning Officer on her presentation and the overall process and she noted that the applicant had already agreed multiple conditions.

Cllr Jones expressed sympathy with the objector regarding the height but understood that flood risk compliance was needed and overall agreed with Cllr Every. Cllr Trapp commented that there had been much expansion between the outline permissions and the current application and that overall he felt three smaller dwellings would be more suitable.

Cllr Brown expressed concern regarding the inclusion of the word “experienced” in condition 22 of the Appendix, stating that it was not the role of the Committee to prescribe the experience level of a contractor and therefore effectively rule out qualified newcomers from receiving the work. Several Members concurred and the Planning Team Leader confirmed that the word could be removed if Members requested it.

Cllr Every proposed the motion for approval with the aforementioned condition 22 amendment, Cllr Ambrose Smith seconded it, and on voting it was duly passed with 10 votes for, 1 against, and no abstentions.

It was resolved:

That planning application ref 20/01111/FUL be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer’s report and the removal of the words “and experienced” from the last line of condition 22.

**71. 20/01156/RMM - LAND SOUTH OF 6 HINTON WAY, WILBURTON**

Toni Hylton, Senior Planning Officer, presented a report (V128, previously circulated) recommending approval of an application of reserved matters regarding a previously approved (19/00910/OUM) residential development of up to 30 dwellings on land south of 6 Hinton Way, Wilburton, Cambs.

She informed Members that since the report was published 20 neighbour comments had been received from a total of 8 separate households as well as 2 comments from external consultees; all had been provided in the Member packs. She highlighted which of the new comments were not planning-related and which had already been addressed in the report. She also corrected errors in the report regarding the numbers of churches and garages in the village and clarified that where Ground Source Heat Pumps had been referenced the text should have said Air Source Heat Pumps. She also clarified that where garages were provided there was no need for a cycle store since there would be cycle storage space within the garage. She explained that the drainage plan had been updated and related to the discharge of conditions rather than the reserved matters so should be deleted from recommended condition 1. Finally, she informed Members that the developer had asked for a change to the materials condition such that details of the materials specification should be submitted and agreed at a later date and in advance of above ground works.

She showed Members various maps, photos and aerial views in order to illustrate the location including its relationship with Conservation Areas, Listed Buildings and the Development Envelope. For the development itself she showed the proposed site layout, elevations and building designs. There were 11 x 2 bed properties, 14 x 3 bed properties and 5 x 4 bed properties proposed. She highlighted that the density at the south of the site adjacent to the Conservation Area was lower than in the north of the site.

The main considerations for the application were deemed to be:

- **Principle of Development** – 19/00910/OUM outline permission for 30 houses was approved on 16<sup>th</sup> April 2020 and access was agreed. A S106 agreement was secured and the conditions of the permission were detailed

in Appendix 3 of the report. Therefore the principle of residential development on this site had been established.

- **Access and Parking** – access had been agreed with the outline permission 19/00910/OUM and the proposed internal layout made the development of an adoptable standard. 70 parking spaces were provided across the site, including 4 for visitors, and properties without garages would be provided with cycle sheds. Condition 5 of Appendix 1 would ensure garages could be used for vehicle parking only. The proposal therefore met COM7 and COM8 of the East Cambs Local Plan 2015.
- **Layout** – the proposal contained a linear layout with public open space and offered connectivity to Hinton Way. The density of 25 dwellings per hectare offered efficient use of land in accordance with the NPPF and each property had a minimum 50sqm garden. It was considered in keeping with ENV1 and ENV2 of the East Cambs Local Plan 2015.
- **Landscaping** – The existing oak tree would be retained and there would be a variety of planting and benches. The site would also integrate with the public right of way to the north at Hinton Way.
- **Appearance** – a variety of building heights and materials were proposed together with a mix of soft and hard landscaping. The properties were simple in construction because the shell would be pre-fabricated off-site and then assembled on-site with outer materials added. The developers had requested an amendment to the conditions in order to submit exact materials at a later date but before above-ground construction. It was considered to comply with ENV1 and ENV2 of the East Cambs Local Plan 2015.
- **Drainage** – Condition 10 of 19/00910/OUM dealt with drainage issues. The LLFA had no objection to the RMM application but were still assessing the Discharge of condition application for condition 10.
- **Biodiversity** – The S106 agreement agreed to an off-site provision for biodiversity. There would also be landscaping and planting on the site and the solar panels and Air Source Heat Pumps made the site more environmentally friendly than with traditional energy sources. It was therefore considered to comply with ENV7 and the Natural Environment SPD.
- **Affordable Housing** – The S106 agreement required 9 affordable homes within the development and those were provided towards the northern edge of the site.
- **Neighbours** – neighbours' concerns had resulted in some changes to the application and it was acknowledged that their views would change and no longer be rural. The development ensured that back to back distances would be in excess of 20m and in excess of 10m from the boundaries. Conditions would be suggested to restrict the windows on some elevations. The plan was considered to meet the requirements of the Design Guide and Policy ENV2 of the East Cambs Local Plan 2015.
- **Determination of 19/00910/OUM** – the outline permission was considered at a time when the Local Planning Authority did not have a 5 Year Housing Land Supply. Each case was considered on its own merit and although 18 objections were received from 17 neighbours the site was considered to be a sustainable location for development in accordance with the NPPF. For information, some days after this site's outline permission was granted, the application 09/01464/FUM for a development of 23 dwellings elsewhere in Wilburton was refused permission due to being outside the development

envelope and being restricted by a tree preservation order for which some of the trees would be lost. The refusal was upheld on appeal.

In conclusion the Officer recommend that Members approve the application subject to the conditions detailed in Appendix 1 and with the deletion of the FRA and Drainage plan in condition 1 and the amendment of the Materials condition to require the developer to submit the details prior to commencement of above ground works.

The Chairman thanked her for the huge amount of work that had gone into this application and invited Owen Garrett to address the Committee. His comments closely followed the following pre-supplied written statement:

*“My name is Owen Garrett. I am resident at Clarkes Lane, and I'm speaking on behalf of the residents of seven properties on Hinton Way and Clarkes Lane. We are not against development in principle. We want development to reflect our edge-of-village character and to be sympathetic to our neighboring and local context.*

#### Setting the Context

*Outline planning for Hinton Way was approved when the council could not demonstrate land supply. They applied the National Planning Policy Framework, which meant approving all development at almost any cost.*

*Just four days later, the revised five year Land Supply report was published. There was a surplus, which completely changed the decision criteria.*

*For example, the next month a much more attractive planning application for 23 dwellings on Station Road in Wilburton was refused when it was evaluated against the Local Plan.*

*The Hinton Way opportunity is not needed to meet housing supply. It is outside the village envelope. It does not meet large parts of the local plan. Outline would be refused if submitted today. Hinton Way is an exceptional opportunity for development.*

#### A Complex Case

*Throughout the planning process, the reserved matters of appearance, layout, landscape and scale have been dismissed as just “finer details”, as if the decision were being fast tracked.*

*The report you have has many material errors. We've submitted a list to Planning Services and the Democratic Officer, and would be happy to share it if you have not seen it.*

*We assign no blame for these errors. Planning Services is clearly overloaded and under-resourced at this time.*

#### Material Errors

*The report states that there are no objections from statutory bodies. No. Highways decline to adopt all of the road because of the drainage design. The LLFA hold a firm objection on the Eastern swale, and express concern with the drainage design. They ask for an assessment pre- and post-deployment.*

*The residents of Hinton Way are particularly worried as it is an unadopted road, downhill of the development, and damage would occur at their expense.*

*The report states 25 dwellings per hectare is acceptable by applying NPPF principles and claiming this density is common for the area. No! The most dense*

*part of Wilburton is 20 dwellings per hectare, and the refused application on Station Road was for 11.4.*

*The report describes the pre-fab, plastic-wood construction as “simple” and “adding interest with coloured windows and doors”, and claims such designs can be seen nearby. No. The childish design does not reflect the local context. It does not “create positive, complementary relationships with existing development”.*

*The Public Open Space calculations are wrong. The report claims 2055 sqm, but includes land that is not planned to be public open space. If you also exclude the attenuation pond - it’s a water hazard - and exclude the space bordered by private driveways and an open swale, the plan only offers 1330 sqm of accessible public open space, short of the required 1725.*

*Parking calculations are misleading. Excluding garages, parking provision is for 59 spaces where policy states a minimum of 68. Visitor parking is only 4, against a policy of 8.*

*The report states all properties will benefit from ground source heat pumps. No - not one property is planned to have a ground source heat pump. Neither is there provision for electric vehicle recharging.*

#### *In summary*

*In summary, this is a unique and exceptional opportunity to develop outside the village envelope. Matters of appearance, layout, landscape and scale are not just “finer details”.*

*Do you believe that the report makes an informed and balanced recommendation? Can you make a decision today, without being able to visit the site?*

*Our ask is that you recommend a deferment on the decision.*

*We ask that you allow additional time to address the drainage plan and swale ownership so the applicant can adjust their plan.*

*We ask that you clarify that the application should be re-evaluated against the Local Plan policies and guidance, not the ‘approve-development-at-any-cost’ spirit of the NPPF.*

*We ask that you direct Planning Services to approve only an exceptional proposal that meets local policies and maximises the benefit to new and existing residents.*

*On behalf of our community of residents, thank you for listening.”*

Cllr Ambrose Smith responded that it was unfortunate to have suggested that the application had been hurried through. Although the Planning Department was busy the Planning Manager had confirmed a full complement of staff. She asked what proportion of Wilburton 30 houses would represent, as this number in a village was not a large number and other communities were taking a large number of new dwellings. Owen Garrett asked to clarify his sympathy with the Planning Officers regarding their workload and reiterated that the residents he represented were not opposed to houses *per se*, rather to this number of dwellings, particular style and density.

Cllr Jones questioned the residents’ description of the design as “childish” and asked how they would envisage such a development bearing in mind that developers are encouraged to use modern methods. Owen Garrett responded that a more traditional brick-built style would be more in keeping and that the plastic wood-effect cladding with colour for interest would not complement the edge of village character. He urged the Committee to consider that being on the

edge of the village did not justify poor design. Cllr Hunt sought clarification regarding the assertion of plastic cladding and he responded that the description of “composite” material was to his mind plastic.

Cllr Trapp asked for more information about the density and style of housing immediately around the site. Owen Garrett responded that the highest density in Wilburton was approximately 20 dwellings per hectare, although he believed the immediate neighbourhood to be around half that figure, and all bar the property at No. 13 (which would be demolished for the access road) were 2 storey dwellings.

At the invitation of the Chairman, Poppy Church then spoke on behalf of the applicant by reading aloud the following statement:

*“Hello everyone, I am Poppy Church and I am delighted to be here today to talk about our exciting development proposals at Wilburton. On behalf of Project Etopia I would like to thank you Chairman and members of the planning committee for the opportunity to speak to you today. We are thankful for the favourable recommendation of our proposals provided by the case officer in the published report and would like to thank her for a useful and thorough presentation.*

*Project Etopia are challenging the heavily cement based traditional house building approach by combining energy, construction, and intelligent technologies to build homes of the future- today. Established in 2018, we are at the forefront of innovation when it comes to modern methods of construction. Our system uses hyper performing panels which are twice passive house standard when it comes to air tightness and can have the appearance of a more traditional vernacular.*

*Our first scheme is already delivering energy efficient new homes in Corby, Northamptonshire and we have received support for these net zero homes from our customers, local authorities and Government. These homes have been achieving EPC ratings in excess of 100, in comparison the average new build currently achieves 60/100. As explained in our briefing note, our successes have been recognised on a national scale, having won two industry leading awards in 2020 for Eco-Initiative of the Year and Small Developer of the Year.*

*Our company vision aligns with East Cambridgeshire’s declaration of a climate emergency. We strongly believe that our scheme accords with the recently adopted climate change SPD and we seek to be the first developer to deliver larger schemes with 100% net zero homes in this district. We will be verifying this through the EDGE net zero accreditation which is recognised and audited by the World Bank.*

*Our early design concepts of the scheme focused on the delivery of carbon neutral homes. As such, the renewable elements required to achieved this were discussed in detail during our pre-application meeting with officers from ECDC. Our pre-application consultation continued thereafter with stakeholder engagement together with community consultation.*

*Due to the restrictions surrounding the COVID-19 pandemic our engagement strategy focused on a comprehensive digital consultation programme. Letters were distributed to 90 nearby properties detailing our strategy. This included*

*hosting a project specific website with an online feedback facility, alongside two digital public events.*

*The consultation website proved effective, with over 150 hits received during the 15 day consultation period. The two digital public events were also successful, whereby 15 people registered their attendance. The consultation website has remained live throughout the planning determination period, where we have provided several updates to notify neighbours on our progress. Over 500 visits have been made to this website since submission of the reserved matters planning application.*

*A number of comments have been raised regarding surface water drainage. The principles of a drainage scheme were agreed under the outline application with the detailed design secured through condition, which is yet to be submitted. To be consistent, we provided this information in this application, prompting a greater level of detail than would normally be expected at this stage with the LLFA. Notwithstanding that, the proposed strategy will vastly improve the current unmanaged drainage conditions on site whilst also catering effectively for the 30 new dwellings.*

*The details of the proposed reserved matters scheme build upon the strong Outline consent, which we commend the East Cambs officers for. Our intention is that the extent of the signed Section 106 obligations will be satisfied in full. This includes the delivery of 30% affordable housing. Whilst we have legal obligations to provide access to some neighbouring land parcels, Project Etopia have no control over any of these land parcels and are not aware of any forthcoming development.*

*We strongly believe that the design principles of this reserved matters application have improved the original indicative masterplan which accompanied the outline planning approval. In the officers reserved matters report, all policy design standards have been met, including accordance with the national residential internal space standards, and an over provision of both public open space and car parking. We have also retained the existing oak tree by making it a focal point of the scheme as well as the planting of 34 new trees, and a new pedestrian link through to Hinton Way and the public footpaths beyond. We believe this design uses the site efficiently as required by local and national planning policy and complies with policy HOU 2 of the Local Plan.*

*In conclusion; the scheme before you does not have any outstanding technical objections, we are agreeable to the proposed conditions subject to refining the detail with the Case Officer and we are truly excited to be bringing Net Zero homes to East Cambs and further showcasing what can be achieved with forward thinking partnerships between Local Authorities and Developers.*

*Thank you for your time, I hope that you can support your officers recommendation.*

*My Planning Consultant, Sophie Pain, and I are happy to take any questions.”*

Cllr Wilson commented that the brochure the Members had been supplied with indicated the presence of vehicle charging points and asked for clarification as to where they would be situated and would there be one per property. Poppy Church replied that this was being reviewed with the energy provider, and the options



were being considered. She felt it likely that at least one in the visitor parking would be appropriate and also for the houses with double garages but the properties to the eastern side of the development would not lend themselves to charging points due to the footpath between the houses and parking spaces. When asked if a condition could be added regarding vehicle charging points she responded that she would be open to that.

Cllr Jones questioned the materials that were being used, in particular their longevity, and how the noise levels compared to a traditionally-constructed home. The Applicant explained that the structurally insulated panels were built offsite and then assembled onsite with a variety of outer layers available including brickslip, render or cladding. She said there were no concerns regarding the longevity of the panels in relation to the materials used or their adherence. Regarding noise abatement she said the Air Source Heat Pumps situated in the heavily insulated loft spaces could not be heard outside and there was no sound transfer between properties.

Cllr Trapp expressed excitement about zero carbon housing but was concerned about the proposed density of the development and asked if the Housing Association homes would be of the same standard as the private properties. Poppy Church replied that the intention was to achieve all of the policy expectations and therefore in terms of the national housing crisis the density felt appropriate and still achieved the policy requirements, for example, back to back distances and garden sizes, whilst making efficient use of the land. She confirmed that Housing Association properties were built to the same standard and external appearance but internal fixtures and fittings would be dependent upon the Housing Association partner.

When questioned by Cllr Wilson on the fire safety of the housing panels Poppy Church confirmed that there was a BDA agreement on the integrity of the panels, they are warrantied with LABC, were pursuing an NHBC warranty, and the panels had been tested to the full extent in terms of fire resistance.

Cllr Downey asked for more information on the net zero effect and energy efficiency of the properties in comparison to the average home. The Applicant responded that an average house emitted approximately 40% more carbon in their life span than the proposed properties. She reiterated the high EPC ratings being achieved at their site in Corby and also reminded Members that the houses were achieving twice passive-house standard in terms of air tightness. In response to Cllr Trapp she confirmed that these houses were not passive houses but on the specific measure of air tightness could exceed those standards. She also clarified to him that windows would be openable She also confirmed that the Air Source Heat Pumps could cool as well as heat the homes.

Replying to a question from Cllr Jones regarding the costs involved she confirmed that a Housing Association partner had not yet been engaged, and explained that the material costs were higher than in traditional builds and they hoped to get that back when selling.

Cllr Ambrose Smith asked if other big house builders were meeting this standard. The applicant stated that some large house builders were but Project Etopia were the first net zero developer.

At the invitation of the Chairman, Anthea Dodson read aloud the following statement on behalf of Wilburton Parish Council:

*“Wilburton Parish Council are very concerned about the planning application for Land south of 6 Hinton Way Wilburton. There are several aspects of the case that cause us great concern which are detailed as follows:-*

*1. The density of the houses on this piece of land is too great we believe. The outline planning was for ‘up to 30 houses’ and the Developer has taken this to mean 30 houses regardless of the space that is available. The development has changed since the original submission and land has been lost to provide three exits to the land as well as moving the houses round to provide a small area of open space. This has resulted in the houses being even more ‘squashed in’.*

*Wilburton is a village that has homes with good sized gardens. The estates that have been built have all got larger gardens with a far lower density than this one is proposed to have. We believe that the site should have less houses - 20 would be the maximum number on this site we believe.*

*2. The available car parking is minimal. Each house has car parking for two cars but the whole site has minimal parking for any visitors to the development and if any of the houses have a need for further vehicles there is nowhere to park them. This means that any overspill will be parked in Clarkes Lane which already has several parked vehicles on it. And I noted that the developer stated garages would be designated for car parking but nobody will monitor or police it and in my humble opinion very few people park in garages.*

*3. The Development allows for a minimum of 60 cars to be entering and exiting onto Clarkes Lane at any time during the day. This then equates to the same amount having to access the High Street at the top of Clarkes Lane. This exit is very narrow and is in a tight area of the High Street with the traffic coming round the corner past the church and narrows as it goes past the row of houses on the High Street. This naturally causes congestion, even with the lower traffic volumes we’re experiencing at the moment due to the pandemic.*

*4. The proposed Development is being built on a piece of land that is subject to flooding and has a ditch or swale along one side which has always had water in it. The water then goes under Hinton Way to a field below which is often flooded. We believe adding the water from 30 houses will result in a significant amount of flooding and subsequent damage to the properties facing Clarkes lane and Hinton Way. The Lead Local Flood Agency refer to the issues that concern us in their letter.*

*5. We have noted the height of the houses and feel that they are too high and will not be in keeping with the surrounding area.*

*6. We respectfully believe that the Planning on this site needs to be revisited and a further design submitted which addresses the concerns raised.*

*7. Thank you for your listening to our concerns”*

The Chairman asked if 20 dwellings would be the right amount to be more in keeping. Anthea Dodson responded that this would be about right.

The Senior Planning Officer reminded Members that the site access and traffic onto the A1123 had been dealt with in the outline planning permission and reiterated that changes had been made to the layout to increase the public open space and try to address some of the issues raised in relation to the layout of the site.

Cllr Trapp asked the Officer about the slope of the site and upon learning that the lowest point was to the north where the affordable housing was proposed he asked if that meant the Housing Association properties would be more likely to flood. She replied that drainage was being addressed and dealt with via a condition on the outline permission, in consultation with the relevant consultees and was expected to improve the current situation.

Cllr Ambrose Smith sought and gained clarification from the case officer that less housing would mean less affordable housing. The Officer confirmed that it would.

Several Members questioned Officers regarding the objections on the grounds of density and asked whether the number of houses could potentially be reduced. It was confirmed by the Planning Manager that Members must assess what was in front of them as that was the application being considered, and either approve or refuse this application for the proposed house numbers. The Planning Team Leader confirmed that refusal on the grounds of car numbers entering and leaving the site would not be valid since that had previously been assessed and agreed in the outline permission.

The Chairman opened the debate.

Cllr Downey stated that he felt the development had strong points in its favour and did not seem overly dense or cramped and could not identify any planning grounds to refuse it so he proposed approving the Officer's recommendation. Cllr Jones agreed and commented that density was subjective and while he shared concerns that the houses should look and feel like traditionally-built home he felt the development was broadly in line with providing suitable homes to meet local needs.

Cllr Trapp expressed excitement regarding the opportunity for eco homes but concern regarding the density compared to the surrounding neighbourhood and the design being more suited to an urban landscape than the rural setting.

Cllrs Brown and Wilson commented that since up to 30 houses had been agreed in outline planning permission there was no valid planning reason to reject the application on the basis of the number of houses. Cllr Brown agreed with the Parish Council's view that the condition regarding the use of garages for parking only was unenforceable and Cllr Jones asked Officers for clarification. The Planning Manager explained that the condition was intended to prevent conversion of garages into habitable accommodation but acknowledged the current wording appeared to suggest restrictions on any use except car parking. She suggested amending the wording to make it clearer.

Cllr Trapp stated if the application was approved it should have an electric car charging points condition added, to secure details as outline by the applicant.

Cllr Stubbs said that as a Ward Councillor she was very sympathetic to all the concerns raised by the Objectors and the Parish Council but felt that there were no planning reasons to reject the application. She thanked the Senior Planning Officer for her work on the application which had been highly complex and emotive.

The Chairman stated that a few less houses would greatly improve the scheme and improve both drainage and highway safety; the current proposal was an over development.

Cllr Ambrose Smith stated that large gardens were not always a pleasure and some people would prefer a smaller garden.

The Planning Manager highlighted the revisions to the conditions as previously explained by the Senior Planning Officer regarding deletion of the Flood Risk Assessment and Drainage Strategy from condition 1 and amendment of condition 15 requiring details of the materials to be submitted and approved prior to above ground construction, together with the Member-requested addition of a condition regarding a scheme for car charging points and the amendment of condition 5 regarding use of garages. The exact wording of the changes to be confirmed in consultation with the Chairman and Vice-Chairman outside the meeting.

Cllr Downey proposed the motion for approval of the Officer's recommendations subject to the afore-mentioned changes, it was seconded by Cllr Jones, and on voting was duly passed with 8 votes for, 1 against, and 2 abstentions.

It was resolved:

That planning application ref 20/01156/RMM be APPROVED subject to the recommended conditions detailed in Appendix 1 of the Officer's report with the following amendments:

- The Flood Risk Assessment & Drainage Strategy be removed from condition 1.
- Condition 5 be reworded to make clear that garages cannot be converted to habitable accommodation, but could be used for storage purposes in addition to the parking of vehicles.
- Condition 15 be amended to require details of the materials to be submitted to, and approved in writing by, the Local Planning Authority, prior to above ground construction.
- A new condition be added requiring that a scheme of vehicle charging points be submitted to, and approved in writing by, the Local Planning Authority.

## **72. PLANNING PERFORMANCE REPORTS – NOVEMBER & DECEMBER 2020**

Rebecca Saunt, Planning Manager, presented two reports (V129 and V130, previously circulated) summarising the Planning Department's performance in November and December 2020.

She drew Members' attention to the inclusion of a new table entry "Validated within 5 days" which was an internal target, set at 75%, which she had included to highlight the excellent work of the department's support team in significantly exceeding that target.

She informed Members that the department had a full complement of staff but remained very busy with the increased number of applications.

She highlighted the reported appeal decisions, most of which had been dismissed, and that a number of enforcement notices had been served.

The Chairman thanked the Planning Manager and commented that the Officers continued to set very high standards within the nearby local authorities.

It was resolved:

That the Planning Performance Reports for November and December 2020 be noted.

*The meeting concluded at 5:43 pm.*