

PLANNING COMMITTEE MEETING HELD ON 3rd MAY 2017: EXTRACT FROM MINUTES:

138. 17/00261/OUM – LAND SOUTH OF MAIN STREET, WITCHFORD

Barbara Greengrass, Senior Planning Officer, presented a report (R278, previously circulated) which sought outline planning permission for residential development of the site with up to 46 dwellings together with public open space, landscaping, highways and drainage infrastructure. All matters were reserved apart from means of access. The proposal was to provide for a central access point onto Main Street. The applicant proposed to retain the existing agricultural shed to the north east corner of the site.

On a point of housekeeping, Members' attention was drawn to a tabled paper which set out the following matters which had arisen since the Officer's report had been written:

1. Errors in the report – page 13 paragraph 7.23 – the applicant has subsequently advised that it is theoretically possible to provide a link to Barton Close but this is not proposed as part of this application.

Page 15 paragraph 7.43 – comments on education are incorrect.

2. Comments have now been received from County Education. They have requested:

Early years provision of £258, 468

Primary school provision of £419, 339

Secondary school provision of £296,004

TOTAL = £973,811

The applicant has agreed to the principle of making a contribution but not at the level requested. It is therefore recommended that a contribution for education is included within the S106 legal agreement and details of the amount will be negotiated.

3. Consultation response from the Housing Enabling Officer raising no objections to the amount of affordable housing provision.
4. Comments have been received from Councillor Stuart Smith, who supports the views of Witchford Parish Council in objecting to this planning application.
5. A local resident raises additional concerns requesting provision of a community facility on site, provision of roads wide enough to accommodate parked cars, the village should be more community based with a central hub and incorrect information has been provided on the bus service.

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It was noted that the application had been called in to Planning Committee by Councillor Cheetham as he objected to the residential development of the site for the reasons set out in paragraph 5.15 of the Officer's report.

The application site was located at the western edge of the settlement on the southern side of Main Street, just adjoining the settlement boundary and between two parts of the defined settlement boundary for Witchford.

A number of illustrations were displayed at the meeting, including a map, an aerial image with an outline of the application site, the indicative layout of the proposal, and indicatives relating to visual impact, public open space, and flood risk and drainage.

Members were reminded that the main considerations in the determination of this application were:

- Principle of Development;
- Visual Impact;
- Housing Mix and Affordable Housing;
- Layout and Public Open Space;
- Access and Highway Safety;
- Residential Amenity; and
- Flood Risk and Drainage.

The Senior Planning Officer said that as Members were well aware of the Council's current inability to demonstrate an adequate 5 year supply of land for housing and the NPPF's presumption in favour of sustainable development, she would not go into this in detail.

The Committee noted that given the site's proximity to the established settlement boundary, the level of goods and services on offer in Witchford, the existence of a primary and secondary school, and its connectivity to Ely and Cambridge, it was considered that the site was in a sustainable location.

The proposal for up to 46 dwellings would add to the District's housing stock and make a significant contribution to the shortfall in housing land supply. The scheme would also include the provision of 30% affordable housing.

Members were reminded that this site was proposed for housing development in the 'first call for sites' exercise alongside the preliminary draft

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Local Plan in February/March 2016. The site was rejected by the Council and not taken forward into the further draft Local Plan in January/February 2017. However, in determining this application, a different test was applied to that which was applied when assessing a site's suitability for inclusion in the Local Plan. As the residential development of this site was considered to be sustainable, the proposal should only be refused permission if it could be demonstrated that there was significant and demonstrable harm as a result of the development.

With regard to visual amenity, the applicant had submitted an indicative master plan demonstrating how up to 46 dwellings might be accommodated on the site together with a number of parameter plans indicating key design considerations. The proposals sought to maintain and enhance the well established structural landscape to the boundaries and a landscape strategy would provide structure to the proposed residential development and tie in with the surrounding existing vegetation along the boundaries and wider green infrastructure within the setting.

The proposals would not give rise to any significant or demonstrable harm to the character of the landscape, and it would not result in significant harm in terms of its impact on the character of this part of Main Street. Housing development would not appear out of context, particularly given the low density proposed and the retention of much of the existing vegetation to adopt a landscape led approach.

The applicant had provided a breakdown of dwellings sizes proposed for the market and affordable homes, with 30% affordable units giving a total of 14 affordable units. This was not for consideration at outline stage and the mix might change to meet the demand at the time of the reserved matters application. However, the applicant had demonstrated that a mix of housing could be accommodated on the site and this would need to be secured by means of a S106 Agreement if permission was granted.

Speaking of layout and public open space, the Senior Planning Officer said that the open spaces provision shown in the indicative layout complied with the Council's Supplementary Planning Document. The final layout would have to accord with the level of provision required by the Developer Contributions SPD and this level of provision would be secured by the S106 Agreement attached to any planning permission granted.

It was noted that the new access provision not only safeguarded the existing front boundary hedge and protected trees, but would provide acceptable visibility splays such that the County highways Authority had raised no objections on the impact of the new access or on the wider transport network.

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In connection with residential amenity, a satisfactory relationship could be achieved within the development and to safeguard the residential amenity of existing residents, a restriction on the future use of the agricultural shed would be secured by attaching a condition to any grant of permission.

The applicant would be expected to explore the options to reduce the discharge rate to the calculated Greenfield runoff rate. Conditions would be attached as recommended by the Lead Local Flood Authority to secure the exact scheme and the long term maintenance would be dealt with by the S106 Agreement, as a financial contribution would be required for maintenance.

Conditions would be imposed to secure the advised mitigation measures in the ecology report, and it was also recommended that an archaeological condition be imposed.

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

- Witchford is a large village with a range of local facilities;
- The existing bus stop is 160 metres to the west of the application site;
- The site is in a sustainable location and the 46 dwellings will enhance the vitality of the community;
- Highways have no objections to the scheme;
- The development will provide 30% affordable housing, by means of a S106 Agreement;
- It will make a valuable contribution to the District's housing supply and can be delivered quickly;
- It will be Community Infrastructure Levy (CIL) liable;
- The applicant will make financial contributions towards education and drainage. In the case of the former, there will be discussions regarding the necessary tests;
- The 46 homes can be accommodated on the site and the development will not harm the landscape or cause any adverse impacts.

At the invitation of the Chairman, Parish Councillors George Jellicoe and Ian Boylett, representatives of Witchford Parish Council, addressed the Committee.

Councillor Jellicoe informed Members that Councillor Boylett served on the Parish Council's Traffic Management, and Planning Committees.

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Councillor Boylett read from the following prepared statement, adding that some of his points had been addressed by the Senior Planning Officer in housekeeping:

'Witchford Parish Council's detailed objections are set out in 5.7 of the report before the Committee. In addition the Parish Council submits the following:

1. *The Parish Council notes that the developer has not sought to obtain a connection of the site to Barton Close by obtaining the 'ransom strip' that exists between the two sites. Should the application be agreed the Parish Council requests that this be made a condition via a S106 Agreement.*
2. *The Planning Officer's report at 7.3 states 'the village has a good range of services'. This is factually incorrect. The village has a Chinese takeaway open in the evenings, a Post Office that has a very small retail area insufficient to meet the daily needs of villagers, and a bus service that has been reduced to once every two hours during the main part of the day and which does not run at all on Sundays. The report also at 7.4 refers to the existence of primary and secondary schools in Witchford. Cambridge County Council have already raised its concerns as to capacity at these schools.*
3. *The Planning Officer's report fails to pay due respect and regard to consultation responses made by villagers. At 5.16 it provides a bullet point list of responses and refers the Committee to the Council's website. The Parish Council consulted with villagers as part of its emerging Neighbourhood Plan and the responses identified the villagers concerns as being:*

*Lack of amenities restricting the village's capacity for growth;
The adverse impact of development would outweigh the benefits;
The lack of capacity in the schools;
The loss of open views altering the character of the village;
The increase in traffic development causes.*

The report fails to discuss these objections, it in effect dismisses the villager's objections.

4. *The Parish Council refers the Committee to Councillor Cheetham's eloquent support throughout 5.15, that also expands on the Parish Council's objections to the application set out at 5.7.*
5. *The Planning Officer's report at 7.5 states that the application 'would add to the District housing stock and make a significant contribution towards the shortfall in housing land supply with the provision of any additional dwellings attracting significant weight in the planning balance'. The Parish Council notes that this site was not put forward in*

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the Emerging Local Plan being consulted on, which identifies an adequate supply of housing land. The report is therefore contradictory and this conclusion should be a reason for rejection.

6. *The Parish Council, following consultation with villagers, in its response to the Call for Sites scored this site low and set it, and other sites throughout the village, aside as green open space providing views to retain the rural appearance of the village rather than it becoming a continuous ribbon of housing developments. The villagers rated the preservation of green space and views the second highest priority for the Emerging Neighbourhood Plan. This should be a reason for rejection of the application.*
7. *The Parish Council questions why the developer is not offering, nor being required through a S106 Agreement, to contribute towards education and other facilities as without such contributions the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. The proposed development therefore conflicts with the criteria set out in the National Framework.*

The lack of a S106 contribution towards education, proportionally similar to that applied to the Gladman's/Bovis development at Field End, should be a reason for rejection of the application.

8. *Witchford Neighbourhood Plan Committee, which comprises Parish Councillors and villagers, acknowledges that there is a requirement for more housing throughout East Cambridgeshire and that Witchford should take 'its fair share'. We believe that to grant planning approval for this application would lead to Witchford taking more than 'its fair share' with devastating consequences on village amenities and infrastructure and would also be to disregard the government's Localism agenda and legislation.*
9. *Witchford Parish Council asks the Planning Committee to reject the application, for the reasons set out in its detailed objections and this submission:*

The site is outside the development envelope;

The site does not meet the criteria for exception sites;

The development would have an adverse impact on schools and there is no provision for a contribution from the developer via a S106 Agreement;

The loss of open space and views and the creation of a ribbon development through the village;

The site is not included in the Emerging Local Plan and its approval would lead to overdevelopment of Witchford Village, unless the allocation in the Emerging Local Plan is adjusted accordingly;

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The development is unsustainable and would cause harm to the village, its scene and amenities.'

Councillor Chaplin wished to know the importance of acquiring the ransom strip to adjoin Barton Close and Parish Councillor Boylett said it would be a means of moving from one part of the village to another.

Councillor Austen asked if there was public access to the green site and Parish Councillor Jellicoe stated that it was agricultural land.

At this point, Members noted that Councillor Mark Hugo, a Ward Member, had requested that a statement be read out on his behalf as he was unable to attend the meeting.

With the permission of the Chairman, the Democratic Services Officer read out the following:

'Dear Planning Committee Members

I write as Ward Member for Witchford and I would like this read out in its entirety at the planning meeting on 3rd May when discussing this item. I apologise that due to work commitments that I am unable to attend in person.

I have been in correspondence with the chair of governors Sandra Thompson and the headmaster Chris Terry of Witchford Village College whose initial email is repeated below. (please read also)

I find myself in complete agreement with their views on the lack of Education contribution being requested by the Education Authority as part of the Section 106 agreement for this speculative site i.e. outside any local plan, past or draft.

This seems to be in complete contrast to the recent planning decision for a similar speculative site in Soham where a contribution was not just requested but a recommended figure given. I am aware that a possible mistake may have been made in this application and a request for such funding should have been made and may be corrected by the date of the meeting.

Whilst this email is focussed on today's application I also request that an education contribution should be routinely considered for all large applications for housing in the catchment area for Witchford Village College which includes many neighbouring villages. A similar consideration should be given to primary schools affected by any large development.

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Can you please confirm this email will be circulated and read out at the planning meeting when discussing this item.

*Kind regards
Mark Hugo
Haddenham Ward District Councillor*

Email from Chair of Governors starts:

Dear Councillors

I have been reading the minutes and agenda for the ECDC Planning Committee. The points I noted were:

Application for 88 houses in Soham - the Education Authority is seeking a contribution of £116,271 for education. This application was approved in April.

Application for up to 46 houses in Witchford - no comments received from the Education Authority. This application goes to committee on 3 May.

This cannot be fair. There is huge pressure on places at Witchford Village College. We have admitted an extra class into year 7 for the last two years, and are likely to do so again this year, due to demand within our own catchment area. The Governors of Witchford Village College are passionate about providing a brilliant education for all the children in our local area. If developments of this size are allowed with no contribution to education it will eventually lead to the College being unable to admit all those children in our area who want to go here. The Education Authority should be demanding contributions whenever it can. The funding for a pupil is not received in to the school until they have been here a year, funding from developments could bridge the gap and pay teacher salaries until the funding catches up!!

I am asking you to demand that the Education Authority is actively involved in all planning applications - no application should be approved until the Education Authority has had active input, no comment is not acceptable.

I also invite any or all of you to visit the College and see for yourselves what a brilliant job our staff do and the funding difficulties affect our children.

*Sandra Thompson
Chair of Governors
Witchford Village College'*

In proposing that the Officer's recommendation for approval be supported, Councillor Chaplin said he thought the layout of the development

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was quite sympathetic and could be attractive. He was unsure as to how relevant the requirement to join up with Barton Close was, and to force the developer to pay for the ransom strip could be counterproductive. This Authority lacked a 5 year supply of land for housing and therefore his view was that the application should be approved.

Councillor Austen disagreed, saying that when the Parish Council was so vocally against the proposal, they should be listened to; they were the ones living there and to ignore their views made a mockery of localism.

Councillor Beckett remarked that because of the lack of a 5 year supply, they were at the mercy of the appeals system. It was all about balance and he wondered whether there were grounds enough to refuse the application.

Councillor Bovingdon responded, saying that if the Authority had been able to demonstrate a 5 year supply of housing land, this site would not have come forward. However, Members had to base their judgement on what was in front of them today and he did not believe that the scheme would demonstrably affect that part of the village. He duly seconded the motion for approval.

When put to the vote, the motion was declared carried, there being 5 votes for and 1 vote against. Whereupon,

It was resolved:

That the Planning Manager be given delegated authority to approve planning application reference 17/00261/OUM subject to the completion of a S106 Agreement (to include an education contribution), and the draft conditions as set out in the Officer's report (with any minor revisions to the conditions delegated to the Planning Manager).