



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

AGENDA ITEM NO 3

Minutes of a meeting of the Planning Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday, 1st February 2017 at 2.00pm.

P R E S E N T

Councillor Joshua Schumann (Chairman)
Councillor Derrick Beckett
Councillor Ian Bovingdon
Councillor David Chaplin
Councillor Paul Cox
Councillor Lavinia Edwards
Councillor Neil Hitchin
Councillor Bill Hunt (Substitute for Councillor Mike Rouse)
Councillor Tom Hunt
Councillor Lisa Stubbs

OFFICERS

Julie Barrow – Senior Planning Officer
Claire Braybrook – Environmental Health Officer
Richard Fitzjohn – Planning Officer
Barbara Greengrass – Senior Planning Officer
Ruth Gunton – Planning Officer
Janis Murfet – Democratic Services Officer
Amanda Nauth – Planning & Highways Lawyer
Andrew Phillips – Senior Planning Officer
Rebecca Saunt – Planning Manager

ALSO IN ATTENDANCE

Councillor Mike Bradley
Approximately 30 members of the public attended the meeting.

89. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Councillors Sue Austen and Mike Rouse.

It was noted that Councillor Bill Hunt would substitute for Councillor Rouse for the duration of this meeting.

90. DECLARATIONS OF INTEREST

Councillor Stubbs declared an interest in Agenda Item No. 7 (16/01159/FU3, Site South East of Former Bowling Alley, The Dock, Ely) and No. 9 (16/01364/F3M, Grassed Area Opposite 2 The Shade, Soham, CB7

5DE), being a member of the Asset Development Committee. She said she would come to each item with an open mind.

Councillor Chaplin declared an interest in Agenda Items 7 and 9, being a member of the Asset Development Committee. He said he would come to each application with an open mind.

Councillor Bill Hunt declared an interest in Agenda Items 7 and 9, being Chairman of the Asset Development Committee. With regard to Agenda Item No. 7, he said he would exercise his public speaking right and then vacate the Chamber before the debate and voting took place; he would leave the Chamber before the consideration of Agenda Item No. 9.

91. MINUTES

It was resolved:

That the Minutes of the Planning Committee meeting held on 4th January 2017 be confirmed as a correct record and signed by the Chairman.

92. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- Tom O'Connor, agency Planning Officer, was leaving the Authority today. On behalf of the Committee, the Chairman wished him well for the future;
- For the benefit of all those who had registered to speak at the meeting, the Chairman explained the procedure and how the 'traffic lights' system worked;
- Members were asked to note that Officers had tabled some 'housekeeping notes', which detailed small alterations to some of the reports.

93. 16/00795/FUL – LAND ADJACENT 24 KILN CLOSE, LITTLE DOWNHAM

Ruth Gunton, Planning Officer, presented a report (R191, previously circulated) which sought planning permission for the erection of a 4 bedroom single storey dwelling and double garage.

On a point of housekeeping, the Planning Officer drew attention to the tabled sheet which referred to a correction to the site plan and set out three additional conditions relating to land contamination and construction times.

It was noted that the application had been called in to Committee by Councillor Mike Bradley.

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The site was located outside but adjacent to the development boundary of Little Downham and it ran along in a strip behind dwellings from No. 24 Kiln Close to 20b Orchard Estate. The site plan showed that only the north-west half was proposed for the new dwelling and garden. The corner of Orchard Estate from which the site was accessed was used as informal parking for those dwellings nearby which had no on-site parking.

A number of illustrations were displayed at the meeting. These included a map of the application site, an aerial photograph, the site plan, elevations, and site plan of the proposal, and photographs relating to visual and residential amenity and highway safety and parking.

The Planning Officer said the key issues for consideration in the determination of this application were:

- Principle of development;
- Visual amenity;
- Residential amenity;
- Highway safety; and
- Parking provision.

Members were reminded that the Council was currently unable to demonstrate a 5 year land supply for housing and therefore the presumption in favour of sustainable development set out in the NPPF meant that permission for development should be granted unless any adverse impacts would significantly or demonstrably outweigh the benefits of the proposed dwelling.

The benefits of the application were considered to be the provision of an additional dwelling to the District's housing stock and the positive contribution to the local and wider economy in the short term through the construction of the new dwelling.

The application site was located outside but adjacent to the development envelope of Little Downham. It was adjacent to existing residential dwellings and within a mile of the facilities and services in the village. Pedestrian footpaths existed along the entire route into the village. The site was therefore considered to be in a sustainable location.

In terms of visual amenity amended plans had reduced the height of the proposed dwelling, so most of the dwelling and garage would be obscured by existing development. However, if granted approval, a condition would be imposed requiring the external materials to be agreed by the Local Planning Authority. This would ensure that the dwelling blended in with the street scene as well as possible, and complied with Policy ENV2.

Councillor Hitchin joined the meeting at 2.10pm

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With regard to residential amenity, it was noted that there would be some overshadowing at times in the morning to mid afternoon, but it was not to an extent that was considered significantly detrimental enough to reasonably warrant refusal of the application. The proposed garage was not considered to cause significant overshadowing to the neighbours at 20b due to the distance.

There would be some increased sense of enclosure for the residents of 24 and 26 Orchard Estate due to the proposed dwelling extending along the majority of their rear boundaries. However, this had to be balanced with the fact that the eaves height was approximately 2.5 metres at the closest point with the boundary and it reached a ridge height of approximately 5 metres at 6 metres from the boundary. This was not considered to be significantly overbearing enough to warrant refusal, and loss of view was not a material planning consideration.

Neighbours had raised concerns regarding loss of privacy from facing windows but as the proposed boundary treatments were 1.8 metre wooden fences, and there would be no windows proposed above ground floor level, it was considered that the privacy of neighbours was sufficiently protected.

It was noted that the Highways Authority had no objection as there was an existing vehicular access. Whilst the lack of parking on Orchard Estate contributed to the concerns regarding access to the site, it was not a planning consideration and could not be given any weight. Any parking which blocked this access would be a matter for the Police.

At the invitation of the Chairman, Mrs Beverly Hinchliffe, a resident of Kiln Close, spoke in objection to the application. She showed Members a number of colour photographs to reinforce the following points:

- The applicants stated that the access was constantly in use, but it had not been used for years;
- The car park was already full to capacity. It was often necessary to knock on neighbours' doors to get vehicles moved, and as the photograph showed, a delivery lorry was parked only inches away from a car;
- There had already been, and continued to be problems with building supplies;
- There was a discrepancy in the size of the bungalow gardens. On the map they were drawn much larger than they actually were;
- The proposal would cause serious detriment to residents' amenity;
- There were other places where the house and garage could go;
- The residents could not understand why the applicants wanted to shoehorn a house into this location;

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- This was a village location and there were other sites that had been given permission for development;
- If approved, the proposal would result in a loss of privacy and it would have a dramatic impact on the saleability of their homes;
- The site had been cleared when the birds were nesting. As a result, the Blue Tits had gone, the habitats for owls had been removed and there was also no longer any bat activity;
- Asbestos on the site had been ripped out, broken up and swept up behind their homes.

Councillor Hunt asked Mrs Hinchliffe about the four bungalows at 22 – 28 Orchard Estate, to which she replied that they were previously for the elderly so there had been no facility for parking when they were built. People parked where they could.

In response to a question from the Chairman, Mrs Hinchliffe confirmed that she was speaking on behalf of a number of residents of the estate. However, one had not wished to be included as there was a family connection to the applicants.

Councillor Bill Hunt proposed that the Officer's recommendation for approval be rejected and the application refused.

He thought the scheme would be too 'squeezed in' and overpowering for the neighbours, and it was unacceptable that the future occupants of the dwelling would be only 2 metres away from the fence. There would be potential chaos with parking and overshadowing of nos. 22 and 28. A better idea would be to move the house and redesign it.

Councillor Tom Hunt seconded the proposal for refusal, saying he believed it would be overly cramped and cause significant overlooking. In an age of localism, local democracy was of some importance and he believed that weight should be given to the fact that neighbours and the Parish Council were opposed to the application.

Councillor Beckett and Chaplin agreed, believing there was a case to be made for rejecting the scheme on the grounds of detriment to the residential amenity of existing and new houses.

When put to the vote,

It was resolved unanimously:

That planning application reference 16/00795/FUL be REFUSED for the following reasons:

- Members believe the proposal would be overbearing and overshadow the neighbours;
- It would be a cramped form of development;
- It would have a negative impact on the future residential amenity of the existing and new houses; and

- It is against the wishes of the local community.

94. 16/01121/FUM – LAND NORTH OF 190 WISBECH ROAD, LITTLEPORT

Barbara Greengrass, Senior Planning Officer, presented a report (R192, previously circulated) which sought permission for an expansion to the existing concrete product manufacturing facility at the F P McCann site. It proposed the change of use of the land from an agricultural to industrial (Class B2) use and the erection of a building for use as a concrete product manufacturing facility with associated staff parking.

During the course of consideration of the application amendments had been sought to introduce bunding, decrease the lighting provision on the site and additional noise and hours of operation information. The applicant had also amended the size and orientation of the production building and the concrete mixing plant.

It was noted that this application had been brought to Planning Committee as it proposed a major employment development of more than 1,000 square metres.

On a point of housekeeping, the Senior Planning Officer drew Members' attention to the tabled paper which set out comments from a neighbour which had been received after the publication of her report.

The site was located to the north and west of the existing industrial land along Wisbech Road to the north west of Littleport. The site area was currently open agricultural land and was bounded by open land to the north and west, and by industrial land to the south and east.

A number of illustrations were displayed at the meeting. These included a map of the application site, an aerial photograph, the layout of the proposal, the proposals for the concrete production building and the steel shed extension, a photographs showing the view from Mare Fen Drove and another in relation to highway safety and parking..

The Senior Planning Officer said the key issues for consideration in the determination of this application were:

- The principle of development;
- Visual amenity;
- Residential amenity;
- Highway safety;
- Ecology; and
- Drainage.

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Members were reminded that the southern part of the application site was an employment allocation within the Local Plan Policy LIT4, so the principle of development on this part of the site was acceptable. The development of this site and the expansion of the existing business was supported by Policies GROWTH 2, 3 and 5 of the Local Plan.

Whilst the northern part of the site was outside of the development boundary and therefore classed as countryside, Policy EMP 2 allowed for the extension of existing businesses in the countryside subject to other planning considerations relating to visual impact, scale, traffic generation and residential amenity.

It was noted that the applicant had submitted a landscape and visual impact assessment as well as a landscaping scheme and proposed lighting positions. A 3 metre high landscaped bund would extend around the eastern and northern boundaries of the site, helping to assimilate the new built form and the outside storage areas into the wider landscape.

The main visual impact would be the provision of the new production building with the silos and concrete mixing facility. It was accepted that the production building would be prominent to the north of the site and visible in the wider landscape. However, it was considered that the goose grey colour of the steel sheeting was sensitive to and took account of skyline views as it would help to reduce the visual mass of the building when viewed from a distance. This visual impact would be most acute when the site was viewed from a northerly direction, but it would be viewed against a backdrop and within the context of the existing large scale industrial area expanding in an easterly direction towards the A10. The area within the vicinity of the site was characterised by industrial development and very much had the feel of an industrial area.

With regard to residential amenity, the critical consideration was any potential noise impact on nearby residents, as complaints had been received in the past about the site operation at the existing FP McCann premises. The applicant had submitted a noise assessment which identified the main sources of noise on the site as it operated at present and assessed the likely impact on those residents adjoining the site compared to the existing background noise levels.

Following extensive discussions with the applicant, the Environmental Health Officer was now satisfied that none of the neighbouring residents would suffer unacceptable levels of noise disturbance from the new premises. The noise bund would serve to mitigate the noise from deliveries and from the general manoeuvring of vehicles within the site. The hours of operation had been carefully considered and were thought to be acceptable, mainly due to the mitigating effects of the bund; various conditions would be attached to secure adequate protection from noise at the site.

The applicant had reduced the number of lighting columns proposed following concerns raised by Officers. The columns would now be 65 metres apart around the perimeter, with some closer together within the centre of the storage areas and they would be switched off when production ended at

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7.00pm. A condition would secure the position and levels of all lighting on the site and the times of use.

It was therefore considered that the levels of light emanating from the site could be adequately controlled to minimise glare and light pollution outside of the site, together with the illumination levels within the site and the impact on the night sky, thereby protecting the nocturnal character of the rural area as much as possible.

The Committee noted that access was proposed via the existing access point alongside the Thurlow Nunn site and there was provision for internal access to allow transition from the existing site. The County Highway Authority was satisfied with the information provided in terms of the adequacy of the access and the impact on the wider transport network but had asked for a condition requiring a Travel Plan to be agreed and monitored. This would have required a fee and a S106 Agreement and as a S106 Agreement was not required for this development, it was considered to be an unreasonable request.

The application proposed 52 parking spaces and 10 cycle parking spaces. This fell short of the Council's standard for B2 use by 9 spaces, but the applicant had stated that the numbers provided were based on his own experience at the existing site. He doubted that the additional 9 spaces would ever be used or impact on the operational area. A considerable number of the employees car shared and this practice was encouraged by the company. Given the specialist nature of this use and the applicant's comments, it was considered that in this instance, the shortfall in spaces could be accommodated.

Speaking of flood risk and drainage, the Senior Planning Officer said that the site lay within Flood Zones 2 and 3 and there was a risk of flooding from the Great Ouse if the flood defences were to breach during extreme events. Mitigation measures could be taken to reduce the risk to an acceptable level and the proposed use had an extremely low vulnerability and was appropriate. The drainage methods proposed were acceptable to both the Lead Local Flood Authority and the Internal Drainage Board.

On balance the proposal would have the benefits of providing additional employment in a sustainable location and it accorded with the locational strategies of the Local Plan.

At the invitation of the Chairman, Mr Peter Preston, a resident of Little Mare Fen Drove, spoke in opposition to the application and made the following comments:

- He and his wife had lived there for over 20 years;
- The planning report spoke of a major visual impact on the properties to the north and his property was within this range. Members should be clear that the visual impact of the proposal in terms of scale and height would be very great;

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- He considered the findings of the noise assessment to be unreliable because measurements were taken against an already noisy site and the new site would not suffer from the same background level of noise;
- The noise from the new site would have a far greater effect;
- The properties to the north along Little Mare Fen Drove were a similar distance from the proposed building as those to the west and yet no noise readings had been taken at these locations ;
- Other noisy activities had not been measured;
- The Trees Officer was concerned that the development would have a negative impact upon the landscape character of the area which would be in conflict with guidance within the Local Plan;
- The planning report cited Policy EMP2. This had a major caveat which stated that '*Any intensification of use will not detract from residential amenity.*' It will detract and this application fell outside the Local Plan and local policy.

Councillor Tom Hunt asked Mr Preston if there were any ways in which he thought the site could be managed differently to overcome the concerns he had raised. Mr Preston replied that something should be done to alleviate the light pollution as it was horrendous at present. He also did not think that the investigators had checked all sources of noise and steps should be taken to do this.

At the invitation of the Chairman, Mr Paul Hamill, agent for the applicant addressed the Committee and made the following points:

- He welcomed the recommendation for approval and appreciated the support from Members and the Enterprise Board. He had received feedback on the proposal during the pre-application stage;
- The site was allocated for employment use in the current Local Plan and under the emerging Plan, it could be extended;
- The proposal would make a significant contribution to employment growth targets;
- The applicant had worked closely with Officers and consultees. There was careful siting of the building to allow separation distance and reduce its impact. Landscaping was proposed;
- Mr Preston's information had been submitted late in the process. It was not that he was trying to avoid dealing with it;
- He hoped the measures proposed would minimise the impact. Independent studies had been commissioned and Environmental Health had scrutinised them and he hoped this would reassure the Committee;

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- There had been significant investment and an increase in employment numbers since the applicant had acquired the site. This would give wider social and economic benefits and have a long term impact on construction industries;
- The proposal accords with the development plan and NPPF. The proposal would bring significant benefits for the District.

Mr Hamill then responded to comments and questions from the Committee.

Councillor Beckett remarked that he lived not far from Mildenhall Aerodrome, and they had invested in down lighting to try and address the problem of light pollution. He asked if the applicant would be prepared to do the same and Mr Hamill replied 'absolutely'. To him it looked as though the light in Mr Preston's photograph was coming from surrounding properties, but his client had agreed to supply a detailed lighting scheme and was also happy to turn off the lights when production finished each evening.

Councillor Chaplin sought categorical assurance that the single spotlight, referred to by Mr Preston, would be turned down. Mr Hamill replied that it would and a combined plan had been suggested to ensure there was no overlap.

Councillor Bill Hunt said he welcomed this inward investment and the 90 extra jobs. He noted that the applicant had worked well with the Planning Department and wondered, in the event that the application was approved, if the applicant would be prepared to have some sort of a liaison group, comprising the applicant, a Member and a local resident, to meet and discuss issues four times a year. Mr Hamill responded by saying that the company liked to think it was a good neighbour and would be happy to talk to people on a one to one basis. Also Environmental Health would carry out regular inspections.

Councillor Beckett next raised the issue of dust on the site and asked whether procedures were in place, in particular in the production and storage areas. Mr Hamill said the production area looked after itself, having fillers and reverse suction. In the yard there was normally a person watering all day long to keep the dust down, and the aspiration in the long term was to permanently surface the yard with concrete, as there would then be less of an issue with dust.

Councillor Bovingdon wished to know if consideration had been given to siting the new building at the centre of the site, as this would cause less impact to the north. Mr Hamill replied that it had been considered but there were a couple of issues, the first being that they wanted to increase the separation distance to residents. There was also a technical issue with moving products out of the building.

Councillor Chaplin said he was very impressed with the responses given by Mr Hamill and he proposed that the Officer's recommendation for approval be supported.

In seconding the motion for approval, Councillor Bovingdon said that the applicant had obviously spent time and effort on the application.

The Chairman asked that if approval was granted, Officers should look at the conditions relating to light and noise when discharging those conditions.

Councillor Cox commented that both the Parish Council and the local Members supported the application and he was sure the applicant would try to achieve maximum economy in respect of light pollution.

When put to the vote,

It was resolved unanimously:

That planning application reference 16/01121/FUM be APPROVED subject to the recommended conditions as set out in the Officer's report.

95. 16/01159/FU3 – SITE SOUTH EAST OF FORMER BOWLING ALLEY, THE DOCK, ELY

Richard Fitzjohn, Planning Officer, presented a report (R193, previously circulated) which sought consent for a change of use from existing scrubland to a public car park, with associated works. The proposal also included a new 1.8 metre wide pedestrian footpath link between the existing Angel Drove public car park and the proposed new public car park.

The car park would comprise 128 car parking spaces, including 8 disabled parking spaces and 2 spaces with electrical charging points. The proposed car park would provide vehicle access from the north west side of The Dock.

It was noted that the application had been brought to Planning Committee because East Cambridgeshire District Council was the applicant.

The application site was located along The Dock, outside of the established development framework for Ely. The site was surrounded to the north, west and south by The Dock Business Park, Cambridgeshire Business Park and Angel Drove Car Park. A large Tesco superstore and Ely Railway Station were located within close proximity to the north east of the site.

A number of illustrations were displayed at the meeting. These included a map of the application site, an aerial photograph, a photograph of the site with The Dock Business Park visible to the top left, and the layout of the proposal.

The Planning Officer said the main considerations in the determination of this application were:

- Principle of development;
- Transport impact and highway safety;

- Ecology;
- Flood risk and drainage;
- Visual amenity; and
- Residential amenity.

The proposal would provide increased parking within close vicinity to Ely Railway Station, thereby supporting the principle of Policy GROWTH 3. It was likely that the proposed car park would be used mainly by rail travellers. The proposal would therefore improve connectivity to the railway station and promote the use of sustainable transport, in accord with Policy COM7 and the National Planning Policy Framework (NPPF).

With regard to transport impact and highway safety, the application is supported by a Transport Statement, Transport Statement Addendum and Traffic Surveys.

The information in these documents predicted that most of the traffic would arrive and depart outside of peak hours and utilise the A142 / The Dock roundabout, which would not be significantly impacted.

The County Transport Assessment Team requested further Transport Assessment information during the course of the application to enable them to properly determine the highway impact of the proposed development. This was submitted by the applicant which resolved the Transport Assessment issue and the County Transport Assessment Team duly stated they had no further comments to make.

In respect of highway safety, it was noted that the access to the car park had good visibility and the proposal would not create any significant highway safety issues.

Turning next to ecology, Members noted that a Phase 1 Habitat and Protected Species Survey had been submitted with the application. The Survey confirmed that no important or protected habitats were present and there was no evidence of protected species within the site. The Survey recommended biodiversity mitigation and enhancement measures which could be implemented through a planning condition.

Members noted that the application site was located within Flood Zone 3, defined within the NPPF Planning Practice Guidance as having a 'high probability' of flooding. However, the development type was considered less vulnerable and was therefore acceptable.

The Environment Agency had been consulted and due to the nature of the proposed development, had raised no objections. However, they stated that the proposal would only accord with the NPPF if a condition was appended restricting structures being erected. The Planning Officer stated that a condition could be appended to prevent any structures being erected within the site without the prior agreement of the LPA.

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Surface water would be discharged into the existing IDB drainage pipe which ran along the south-west boundary of the site and the rate of runoff would be slowed by an underground attenuation tank SuDS system. The Cawdle Fen Internal drainage Board (IDB) had been consulted and had raised no objections.

In terms of visual amenity, the Committee noted that due to its scale and use, the proposed car park would be in keeping with the existing character of the area and it would not create any significant detrimental impact. The proposal would also enhance public amenity and access to Ely Railway Station, in accord with Policy ENV 1.

The appearance of paraphernalia associated with the car park would be conditioned so that the details had to be agreed with the Local Planning Authority. Similarly, the Trees Officer had recommended that a full Landscaping Scheme and associated Landscaping Maintenance Schedule be submitted. This too could be conditioned so that the details would be agreed by the LPA.

The application site was significantly distanced from any residential properties and therefore the proposed car park would have no significant impact upon residential amenity.

Councillor Bill Hunt said that as more business came to East Cambridgeshire the more need there would be for more houses. With the new station at Cambridge, commuters would want to take the train to get to work and all this success came at a cost because people were already having problems parking near the railway station.

There was a price advantage in that the Angel Drove car park charged half the price of that at the Railway Station. There was also another urgent need in that nearby residents in Dovehouse Lane were being blocked in by legally parked cars, so this proposal would have a positive impact on those residents.

The existing linkage would be properly lit and tarmacked, thereby making it more usable and safer.

There would have been room for 140 cars but the new car park had been designed to have higher raised paving so as to stop antisocial behaviour.

There would be 8 disabled spaces and 2 charging points, and in the case of the latter, it would be possible to extend the number.

If this car park became full, motorists would have to go round to the other car park, and in that event, there might be a need for signage on the road to indicate this.

Councillor Hunt concluded by saying that if this application was approved, the new car park would be open before the end of the year.

At this point, Councillor Bill Hunt vacated the Chamber.

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Councillor Beckett asked if the approach on the A142 was public highway up to the entrance, and the Planning Officer replied that it was a private road with an agreement for use. An informative would be added, but the details were to be agreed with the owner. Councillor Beckett then asked what impact this would have on repairs to the road and was advised that the Transport Statement would have addressed this issue. Whilst the new car park would see an increase in trips, the road had the capacity to cope with more.

Councillor Bovingdon said he was glad to see this application come forward as he had been made aware of the need for more parking spaces, and he proposed that the Officer's recommendation for approval be supported.

Councillor Beckett seconded the motion, and when put to the vote,

It was resolved unanimously:

That planning application reference 16/01159/FU3 be APPROVED subject to the recommended conditions as set out in the Officer's report.

At this point, Councillor Bill Hunt returned to the Chamber.

96. 16/01291/FUL – SITE TO NORTH EAST OF 9 HIGH STREET, WITCHAM

Barbara Greengrass, Senior Planning Officer, presented a report (R194, previously circulated) which sought planning permission for the erection of a two storey three bedroom detached dwelling on a parcel of land created from part of a paddock positioned to the north of the curtilage of the dwelling at 9 High Street, Witcham. The location was outside of both the settlement envelope of the village and its Conservation Area.

It was noted that the application had been called in to Planning Committee by Councillor Mike Bradley, as he considered it to be an inappropriate form of development that would have an adverse impact on the area and set a precedent of building in the open countryside.

A number of illustrations were displayed at the meeting including a map of the application site, an aerial photograph, the layout of the site, elevations and a photograph of the proposed access to the site through a gate.

The Senior Planning Officer said the main considerations in the determination of this application were:

- Principle of development;
- Visual amenity;
- Residential amenity;
- Heritage; and

- Biodiversity and trees.

Members were reminded that the Council was currently unable to demonstrate a 5 year land supply for housing and therefore the presumption in favour of sustainable development set out in the NPPF meant that permission for development should be granted unless any adverse impacts would significantly or demonstrably outweigh the benefits of the proposed dwelling.

Whilst it was recognised that the proposal would make a positive, albeit modest, contribution towards the provision of the housing land supply in the area, paragraph 55 of the NPPF stated that housing should be located where it would enhance or maintain the vitality of rural communities and isolated new homes in the countryside should be avoided unless there were special circumstances.

It was considered that the application site was not well related to the existing built form and the design of the proposed dwelling was neither innovative or of an exceptional quality. Furthermore, alternative more sustainable sites for residential development were likely to be available within the settlement envelopes of nearby Witcham, Mepal and Sutton.

In terms of visual impact, although the proposed dwelling would be constructed using eco-construction techniques, it would nonetheless present a conventional modern design in its external appearance. Its presence would, within the context of the open countryside with little other modern development within the immediate locality, be inconsistent in terms of its design and scale and with the predominantly rural surroundings of the site located beyond the edge of the village.

The proposed dwelling would occupy an exposed and prominent position when viewed from the edge of the village. Although well screened to the north from Back Lane, the site would present an open aspect to the south onto the village from a somewhat elevated position in respect of the surrounding fields. Further screening of the site could be achieved by further planting, but it would not be sufficient to satisfactorily mitigate the impact of a substantial and prominently positioned isolated dwelling within the rural landscape, particularly when viewed from the village.

It was therefore considered that the use of this location for residential development would be an unwelcome intrusion of the built form into the landscape. It would be unsustainable by having a demonstrable and significant detriment upon the openness of this part of the open countryside, resulting in a significant diminution of character to the landscape just beyond the northern edge of the village.

With regard to residential amenity there was no loss of amenity to adjoining residents and there was sufficient amenity space.

Members noted that the County Archaeologist had raised no objections to the application, but would require that any planning approval should be subject to a Written Scheme of Investigation prior to the commencement of any works.

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In connection with biodiversity and trees, there were no concerns regarding the loss of habitat or protected species and the majority of the trees and hedgerows would be retained. As such, there was insufficient evidence available to argue that the development, if permitted, would have an unacceptable impact upon the biodiversity of the drove and adjoining lands or the natural environment.

At the invitation of the Chairman, Mr Mackender spoke in objection to the application and made the following remarks:

- He resided at 19 High Street, Witcham and had lived there most of his life;
- Members should reject the application, as recommended;
- He was in favour of sustainability;
- He had three objections. The first was that the proposal was outside the village envelope and should not be approved because the Local Plan should be supported. The house would be exceedingly close to a neighbouring field;
- Secondly, the proposed site was a field that had always been used for grazing. It should not be developed for housing as it was bordered by fields. Development would damage biodiversity, and building in this area was not sustainable or in line with other properties. There would be a significant visual impact as the balcony would face properties on the High Street;
- The access was inadequate because it was essentially a drove;
- If the application was approved, it would give way to further development.

At the invitation of the Chairman, Mr & Mrs Bateson and Mr Williams spoke in support of the application and made the following comments:

Mr & Mrs Bateson

- The proposed dwelling would be a Passivhaus. It would have a very low energy consumption and also utilise rainwater;
- This was the only way they could move to the village;
- The house would be a bespoke design and they thought it would fit in with the surroundings;
- They were looking to the future and thinking of sustainability;
- With regard to concerns, although the site was outside of the development area, given the 5 year supply this cannot be a reason to object. The house would be quite central to Witcham, being in a garden that was near the village church, the green and the village hall. There were other houses dotted around;

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- They did not think there would be a problem with the access. It was accessed by a right of way and Highways had raised no concerns. The road had a hard surface and there was minimal traffic down Back Lane;
- The proposal would not cause overshadowing because the location was very secluded with a copse of trees to the north and hedging and trees to the north and west. The only house with substantial views was 9 High Street;
- They felt a huge bond and link with Witcham and wanted to raise their children there;
- They intended to live in the house for a long time;
- The position of the proposed dwelling would make the most of the infrastructure and enhance the area.

Mr Williams

- Local houses were needed for local people, and this would bring a family back to the village.

Councillor Bovingdon asked whether they were aware of any other plots and Mrs Bateson replied that they had been in touch with agents. However, there was nothing that they could afford to buy. Councillor Bovingdon then asked if they had considered reducing the height of the proposal; Mrs Bateson said that they had looked at heights but the ridge height was lower and the house would be screened by vegetation.

At the invitation of the Chairman, Mesdames Linda Elbourne and Julie Bibby, Members of Witcham Parish Council, addressed the Committee and made the following comments:

- The Committee was urged to refuse the application because this was a quiet historic area of the village;
- There had been many objections to the proposal;
- The only access to the site would be over a green drove, and Back Lane was a public right of way;
- It would have an impact on biodiversity and wildlife;
- Loss of privacy and overshadowing;
- It would set a precedent for future planning applications;
- If granted planning permission, it would contradict the Parish Council's wishes.

Councillor Bovingdon enquired about the availability of other sites and was advised that there were others, including two at Martin's Lane.

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Councillor Tom Hunt declared himself to be torn on this application. The position of the Parish Council was important and he had noted that more than a dozen objections had come from the community. He did not see the proposal creating huge harm and he believed it to be well designed. It was in the open countryside, but there were farm buildings around it. He also acknowledged that the Batesons were local people and had a connection to the village. With the Council being unable to demonstrate a 5 year housing land supply, he thought this was a tricky situation.

Councillor Beckett said he had noticed the farm buildings during the site visit, but that was to be expected in open countryside. Whilst he had sympathy for the couple, he believed the house would be out of place because it was a green lane and he would support the Officer's recommendation for refusal.

Councillor Chaplin commented that the site location was open countryside and not a garden, at best a paddock. A remote eco house would not add to it.

The Chairman thought that in the absence of any larger allocations, and a local desire to not see large residential allocations in the new emerging Local Plan, 'one-off' dwellings were the only likely development that would be coming forward. It would be for Members to look at the planning balance and make their judgement based on that. He would lean towards approval of the application.

Councillor Tom Hunt said that on the point regarding precedent, it was within the gift of the Committee to apply common sense. He liked to listen to the views of the Parish Council and the local community. The house was well designed and he did not see how it would harm the local area. He had taken the point about precedent, but the application should be considered on its merits. The family had invested in the site and had a vision for it.

Councillor Bill Hunt believed this to be difficult because on the one hand they wanted more people to move into the villages, but on the other the Local Member did not support the proposal. The Chairman reiterated that the main consultees had raised no objections to the scheme.

Councillor Cox noted that the Parish Council had said there were other sites available in the village. However, he thought the house would enhance the area and he was inclined to support approval.

Councillor Bovingdon said he agreed with many of the comments. There were several isolated properties in the area and this house would be close enough to the village to be sustainable. However, he had an issue with the term 'eco house' and felt that the visual palette would have a negative impact.

There being no further comments or questions, it was proposed by Councillor Beckett and seconded by Councillor Bill Hunt that the Officer's recommendation for refusal be supported. When put to the vote,

It was resolved:

That planning application reference 16/011291/FUL be REFUSED for the reasons given in the Officer's report.

At this point there was a comfort break between 3.57pm and 4.10pm.

Councillor Hitchin left the meeting at 4.11pm

At this point Councillor Bill Hunt vacated the Chamber.

97. 16/01364/F3M – GRASSED AREA OPPOSITE 2 THE SHADE, SOHAM

Andrew Phillips, Senior Planning Officer, presented a report (R195, previously circulated) which sought approval for the erection of 13 dwellings. This would comprise 8 affordable dwellings (1 two bed house, 1 three bed house and 6 one bed flats) and 5 market houses (1 two bed house, 1 three bed house and 3 one bed flats).

The application had been brought to Planning Committee because the Council is the landowner and the Council's private developer arm is the applicant.

It was noted that this application had been deferred from January's Planning Committee by the Chairman in order to get the correct ownership certificates prior to consideration of the application.

A number of illustrations were displayed at the meeting including a map of the application site, an aerial photograph, the layout, elevations, and floor plans of the flats and houses. There were also visuals relating to the loss of public open space, visual impact and highway safety and parking.

The Senior Planning Officer said the main considerations in the determination of this application were:

- Principle of development;
- Loss of public open space;
- Visual impact; and
- Highway safety and parking provision.

Members were reminded that the Council was currently unable to demonstrate a 5 year land supply for housing and therefore the presumption in favour of sustainable development set out in the NPPF meant that permission for development should be granted unless any adverse impacts would significantly or demonstrably outweigh the benefits of the proposed dwelling.

The application site was just outside of the development framework but was situated between the development framework and the primary school. It was therefore visually well within the built confines of the town. With very easy access to a primary school and footpath into the town centre,

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the site was considered to be sustainable on principle grounds. It was also considered that Soham could easily support an additional 13 dwellings.

The application site was designed as public open space for the major residential development to the south, but when the housing developer went bankrupt, the Council took on the land at its own expense.

The loss of this public open space was considered to be harmful in principle, but the harm was limited as it was adjacent to two very well used roads. The Shade in particular was a main road into the town centre and the location of the public open space was considered to be dangerous to allow people (especially children) to play on.

There was a large drain located on the opposite side of the track to the south west. Whilst this might give rise to public safety, it was unlikely that people would use the recreation ground at times when significant amounts of water would be in the drain.

The quality of this open space was not considered to provide benefits in respect of amenity, visual appearance or conservation of the natural environment. A biodiversity enhancement condition could be added to improve the biodiversity on the site.

The loss of the public open space was, therefore, considered to cause minor harm and weighed against the application.

In terms of visual amenity, The Shade had a mixture of single and two storey properties within the surrounding area. With Kingfisher Drive having a mixture of two and two and a half storey properties, the proposal had a mix of scales which was considered to be appropriate for this location and in keeping with the local area. It was considered that the proposal would enhance the built form in this locality.

The proposal once built was not considered to raise any concerns in respect of residential amenity. However, given the closeness of the public right of way and the school, it was considered appropriate to add a Construction Environmental Management Plan condition to ensure the development was built safely and that it would not cause any detrimental disturbance to nearby residents.

Speaking of highways and parking provision, the Senior Planning Officer stated that there had been no objections from the Local highways Authority. The proposal would provide 17 parking spaces between the properties; houses would get two spaces each and flats would each have one space. There would also be four visitor spaces.

At the invitation of the Chairman, Councillor Charles Warner, Parish Councillor and Secretary to the Thrift Community Land Trust (CLT), and Mr Kevin Francis, Technical Advisor to Palace Green Homes, addressed the Committee and made the following points:

Councillor Warner

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- They had been working for six years to get to this point and had worked closely with Palace Green Homes;
- The CLT would manage the scheme. It would bring benefits to the community and improvements to the road;
- Discussions had taken place with the headmistress of the school and answers had been provided in response to her concerns;
- Drainage had been addressed;
- The issue of children and the right of way along the farm track would be addressed by the construction of a proper footpath. It was hoped this would discourage parking;
- The two storey houses would have no overlooking windows;
- There would be no loss of green space because the area had never been used for recreation;
- He believed the parking spaces were adequate for the development;
- It would be the most prominent building on The Shade and it would make an attractive and welcome addition to the town;
- The buildings would be of benefit to the town and were much needed for people with a Soham connection;
- The affordable housing would be of great benefit.

Mr Francis

- He was here to reinforce the social and economic benefits of the scheme;
- The CLT had been looking for land for six years. This piece of land was not useable and there was no public amenity. ECDC had maintained the land at its own cost;
- The CLT was addressing the problems and the proposal would be actively managed in perpetuity;
- The purpose of the East Cambs Trading Company was to put profits back into public services.

Councillor Beckett commended Councillor Warner for speaking with such passion but said that green space was not necessarily recreational space. He asked Councillor Warner whether Soham was prepared to pay the cost for what, to him, looked more like an urban sprawl. Councillor Warner replied that the development would enhance the security of the school children, and he did not believe it would look out of place in the landscape. Mr Francis interjected to add that the design of the development had been very carefully considered and consulted on with the public. The stepping in was a planning requirement.

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The Chairman asked whether consideration had been given to reducing density and increasing parking, as the development would then be more compliant. Councillor Warner responded, saying that there was a need for affordable housing, within agreed standards. As far as parking provision was concerned, they wanted to encourage sustainable modes of transport. However, parking had been increased by two spaces.

Taking up on the issue of parking, Councillor Bovingdon said that parking near the school was a nightmare, especially in the mornings, and he wondered whether anything could be done to the design of the scheme to stop illegal parking. Mr Francis replied that they could only do what was within their control. They were aware of the concerns regarding pedestrian safety and consultants had been brought in to look at the issue. In the light of this, there would be a Traffic Management Plan.

In proposing that the Officer's recommendation for approval be supported, Councillor Tom Hunt said it was very pleasing that the application had support. The CLT was a big part of what the Council does, and this would help young people to get a first foot on the housing ladder. He liked the housing mix as the smaller units would likely help younger people. He liked the fact that the application had been shaped and supported by the community.

Councillor Bovingdon seconded Councillor Tom Hunt's motion for approval.

Councillor Beckett felt that account should be taken of the wider aspects of the proposal. He was concerned about overdevelopment of the site and he believed that the lack of parking would to the detriment of the farm; he felt this was too much in one place.

In response to a question from the Chairman regarding the density of the site, the Senior Planning Officer confirmed that the gross density was 65 dwellings per hectare. The Planning Manager added that the Local Plan spoke of 'appropriate density', and because some of the dwellings in this development were flats, it made a difference.

The Committee then returned to the motion for approval and when put to the vote, it was declared carried, there being 6 votes for and 2 votes against. Whereupon,

It was resolved:

To grant delegated powers to the Planning Manager, to APPROVE planning application reference 16/01364/F3M, subject to the recommended conditions as set out in the Officer's report and the completion of a S106 Agreement.

At this point Councillor Bill Hunt re-entered the Chamber.

98. 16/01501/FUL – 8 CHURCH STREET, ISLEHAM

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Julie Barrow, Senior Planning Officer, presented a report (R196, previously circulated) which sought consent for the demolition of the existing garage premises and the construction of 4 dwellings.

It was noted that during the course of the application amended plans had been received revising the layout and design of the dwellings.

It was further noted that the application had been called in to Planning Committee by Councillor Beckett due to public concern over the height of the development and its proximity to Priory Barn.

On a point of housekeeping, the Senior Planning Officer drew Members' attention to the tabled paper which informed them of the receipt of an amended plan making a correction to Plot 4, and an updated Condition 1.

A number of illustrations were displayed at the meeting including a map of the application site, an aerial photograph outlining the position of the site, the amended plan of the layout, the elevations, and floor plans of the dwellings.

The Senior Planning Officer said the main considerations in the determination of this application were:

- Principle of development;
- Visual amenity and cultural heritage;
- Residential amenity;
- Highway safety;
- Drainage and flood risk;
- Biodiversity and ecology; and
- Other matters.

Members were reminded that the Council was currently unable to demonstrate a 5 year land supply for housing and therefore the presumption in favour of sustainable development set out in the NPPF meant that permission for development should be granted unless any adverse impacts would significantly or demonstrably outweigh the benefits of the proposed dwelling.

The site was located within the established development framework of Isleham, close to the centre of the village and the goods and services on offer and was therefore considered to be in a sustainable location.

The proposal would add four dwellings to the District's housing stock and would utilise a previously developed site. The applicant had demonstrated that the site had been marketed for sale, but no realistic offers were made as the site was either deemed unsafe or unsuitable for the person's needs.

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The structural engineer's report concluded that the site could be brought back into use but the main garage building was in need of significant repair and it had a very time limited existence. The collection of outbuildings on the site was beyond economic salvage and had no structural importance.

It was noted that the site was located in a prominent position within the centre of the village and it was also within Isleham Conservation Area. Isleham Priory, a scheduled ancient monument, was adjacent to the site and there were a number of listed buildings nearby.

The applicant had engaged with Historic England prior to the submission of the application and a number of different proposals were considered. Historic England had responded to a formal consultation and had confirmed that the form, scale and massing of the proposed frontage development was an acceptable response to this sensitive location. The Conservation Officer requested a number of changes to the scheme and the applicant complied with all of them. Historic England had confirmed that it had no further comments to make in respect of the application.

It was considered that the scheme, as amended, was of a sufficiently high standard to preserve and enhance the Conservation Area and it would not result in any harm being caused to the setting of the nearby listed buildings and scheduled ancient monument. The proposal therefore complied with Policies ENV11 and ENV12.

In terms of residential amenity, Members noted that the proposal did not strictly comply with Design Guide SPD in terms of plot size but balanced against access and parking it was considered acceptable. There were no concerns regarding loss of privacy due to acceptable separation distances and the noise concerns on Plot 4 from the Co-Op had been addressed. The scheme would have no significant impact in terms of overbearing and it was considered to comply with Policy ENV2 in this regard.

Two parking spaces would be provided per dwelling, with Plots 1 – 3 using the existing access off Church Street; Plot 4 would have a separate access via Footpath No. 9. Neither the Local Highway Authority nor the Rights of Way Team had raised any objection to this arrangement.

The site was located in Flood Zone 1 and it was currently laid to hardstanding where there were no buildings. It was considered that this proposal was an opportunity to improve the surface water drainage on the site and a condition could be imposed requiring a detailed scheme to be submitted and implemented prior to first occupation.

In connection with biodiversity and ecology, the Senior Planning Officer said that surveys had been submitted and the necessary works carried out.

At the invitation of the Chairman, Messrs Richard Radcliffe and Les Wightman, Members of Isleham Parish Council, addressed the Committee and made the following remarks:

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- They wished to make it clear that their objections were not about redevelopment of the site, but the layout and design of the houses;
- Plots 1 – 3 were featureless houses and the Parish Council thought they would detract from the Conservation Area. They replace a varied street scene;
- The terrace was too close to the front boundary. It should be a minimum of 2 metres so as to reflect the existing features;
- The size and height of the proposal would block the vista and would not preserve or enhance the Conservation Area;
- The requirements of the Conservation Area set reasonable criteria and stressed traditional features;
- The Parish Council believed that insufficient care had been taken in the layout of the proposal;
- It would be adjacent to the Priory;
- The existing buildings were a mix of designs and the terrace should reflect the street scene;
- They would like to see the site redeveloped but felt that further time should be taken regarding the layout and design of the proposal.

Councillor Tom Hunt proposed that the Officer's recommendation for approval be supported. In doing so, he said this was a beautiful part of the village and he believed that the houses could improve the aesthetics of the area rather than detract from the street scene. Whilst he had taken on board the Parish Council's views, new houses were needed.

The motion was seconded by Councillor Chaplin.

The Chairman stated that the houses had been stepped back to allow railings, but had gone a long way to meet the Parish Council's concerns.

Councillor Beckett wished to make it clear that he had taken no part in any discussions on the scheme. The applicant had tried their best with the site and he respected that. However, the Parish Council had concerns regarding the blandness of the scheme and there were other terraces in the village. If this application was approved, Officers should look at other designs to ensure that the scheme fitted in.

Councillor Bill Hunt thought that the scheme could be beautiful and the quality of the materials and the design would transform this area. The Planning Manager confirmed this would be conditioned. A terrace was appropriate and it was accepted that they could not be moved 2 metres back.

Members then returned to the motion for approval. When put to the vote it was declared carried, there being 8 votes for and 1 abstention. Whereupon,

It was resolved:

That planning application reference 16/01501/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report, an amended plan making a correction to Plot 4, and an updated Condition 1.

99. 16/01527/FUL – 12 FALCON MEWS, ELY

Rebecca Saunt, Planning Manager, presented a report on behalf of the Case Officer (R197, previously circulated) which sought consent for a side extension at first floor level above an existing flat roofed section of the dwelling.

It was noted that amended plans were submitted to reduce the dimensions of the proposed extension, as the proposal was originally for a ridge height greater than the existing dwelling, and for the extension to be stepped forward of the front elevation.

It was further noted that the application had been called in to Planning Committee by Councillor Mike Rouse.

The site was located within the existing development framework for Ely and the area was characterised as being primarily residential with the property set in a street scene of similar design and age of property.

A number of illustrations were displayed at the meeting including a map of the application site, an aerial photograph outlining the position of the site, the elevations, a photograph of the existing house, and illustrations relating to visual and residential amenity.

The Senior Planning Officer said the main considerations in the determination of this application were:

- Visual amenity; and
- Residential amenity.

Speaking of visual amenity, the Planning Manager said that the adjoining property had a previously approved and similarly designed extension.

The ridge height of the proposed extension would match that of the existing dwelling, and it would be built in line with the principle elevation. The brickwork would match that of the host dwelling.

The proposal was therefore considered to comply with the visual aspect of Local Plan policy ENV2.

With regard to residential amenity, it was noted that there were no issues of overlooking. However, as the proposal would come up to the shared boundary, it would have a significantly overbearing impact when viewed from the French Doors and amenity space of No.13 Falcon Mews.

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The Committee noted that the applicants, Mr & Mrs Morris, were unable to attend the meeting and the Chairman had therefore agreed that the Democratic Services Officer could read out the following prepared statement on their behalf:

'Please accept my sincerest apologies for not being able to attend the meeting to speak to you all in person. I am an Ofsted registered childminder and unfortunately for me to take off the afternoon to attend the meeting I would have to tell 18 working families that I could not care or collect their children from school that afternoon and as it is quite short notice for the meeting I hope that you can understand what a difficult decision I have had to make in not letting my families down or forcing them to take a half day at their work to collect their children from school.

With regards to our planning application the reasons that we are hoping to extend is to create a further 2 bedrooms on the house and create an en-suite for the master bedroom. We are a growing family with our children aged 16, 11 and 4. Currently our 2 youngest children are sharing a bedroom (the master) and our daughter is currently in the box room which she can fit a single bed in and 2 chests of drawers as we cannot fit even a small wardrobe in due to how the room is situated over the stairs. Our daughter is currently taking her GCSEs at Soham Village College and our eldest son is due to take his SATs in the next few weeks at the Lantern School. They are desperate to each have some study space away from their siblings and the other minded children so they can achieve their full potential in their exams as they currently do not have the space to do this and are sitting studying on their beds, due to the lack of space available to them.

As you can imagine the 5 of us sharing one bathroom in the mornings is also incredibly challenging as we are all trying to be washed and dressed ready for work and school at roughly the same time. Which leads to most mornings with knocks on the bathroom doors and plenty of 'hurry up, I'm going to be late !' shouted through the door.

What we are ideally trying to do is mirror our next door neighbour's extension and that of similar properties on our road and estate, which will enable us to create the space that we so desperately need. We just want to extend above the current floor layout (over the playroom and kitchen) that we have to create this.

We have spoken to both sets of neighbours and those across the street from us who this will directly affect and apart from No.11 who wanted the original plan to have the same roof line to mirror theirs, which with your permission we are happy to do, our neighbours at No.13 and directly opposite us have given their full support. No.13 has even said that 'yes' the extension may block a little natural light coming into their garden, but they have no objection to this whatsoever as the end of the garden that they use will be completely unaffected. As the front of the house is south facing so the sunlight hits this all year rather than the back anyway.

We are very fortunate that where we live is the perfect catchment area for the schools our children attend and the schools my husband and I 'work' from collecting and dropping off our childminded children. We have looked at

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trying to move to a 4 bedroom house within the area, but unfortunately these all seem way out of our price range and if we were to move away from the area to more affordable housing, it would not only impact on our family and jobs but also the needs of the 28 families that we currently childmind in some way for throughout the year enabling them to work.

I hope you can see that we are not asking for a huge change, we would just like to have some more room for our growing family so that everyone can have a bedroom each.

Thank you all for taking the time to consider our proposal and once again we are so sorry that we are unable to bring this to you in person.'

At this point the Chairman said that he would not vote on this application as he had not attended the site visit.

Councillor Bill Hunt said he had been on the site visit and he was also very familiar with the area. Many of the houses had been extended, it was a very reasonable thing to extend, and the properties there were suitable to be extended. He felt that the loss of amenity would not be excessive and he duly proposed that the Officer's recommendation for refusal be rejected.

In seconding Councillor Hunt's motion, Councillor Bovingdon said he felt that the fact that there had been no objection from the occupants of No.13 was a key point. He too believed that the extension would have an overbearing impact but not sufficient to warrant refusal, and it would be in keeping with others on the development.

When put to the vote,

It was resolved:

That planning application reference 16/01527/FUL be APPROVED for the following reasons:

- Members do not believe the proposal will have a detrimental overbearing impact ; and
- The extension will be in keeping with other extensions on the development.

It was further resolved:

That the Director, Operations, be given delegated authority to impose appropriate conditions.

100. 16/01536/FUL – LAND ADJACENT TO 14A THE COTES, SOHAM

Rebecca Saunt, Planning Manager, presented a report (R198, previously circulated) which sought permission for a self contained annexe with a hydrotherapy suite and site works to accommodate the special medical requirements of the applicant.

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The annexe was required to provide the assisted living requirements, the need for more regular care and ongoing rehabilitation in conjunction with the applicant's medical condition.

It was noted that the previous application at this site had been determined by the Planning Committee and was subsequently dismissed at appeal. This application was coming before Members as the Chairman thought that, due to the implications of the previous application, it would be wise for the Committee to consider it.

The site was located outside the established village framework and within the centre of a small cluster of dwellings. It was located on a mowed grass area which was connected to the host dwelling and situated to the north east of the host dwelling, accessed from The Cotes.

A number of illustrations were displayed at the meeting including a map of the application site, an aerial photograph outlining the position of the site, the elevations, the layout of the proposal, two photographs of the street scene and further photographs relating to visual impact and highway safety.

The Planning Manager said the main considerations in the determination of this application were:

- Principle of development;
- Visual amenity;
- Residential amenity; and
- Highway safety.

It was noted that the application site was located outside of the defined development boundary of Soham and therefore conflicted with Policy GROWTH 2 of the Local Plan. However, as the Council was currently unable to demonstrate a 5 year land supply for housing, Policy GROWTH 2 could not be considered up to date in so far as it related to the supply of housing land. In this situation, the presumption in favour of sustainable development set out in the NPPF meant that permission for development should be granted unless any adverse impacts would significantly or demonstrably outweigh the benefits or specific policies in the Framework indicated that development should be restricted.

The applicant was seeking permission for an annexe to his existing dwelling to enable his daughter and her family to provide round the clock care for him without having to call outside care or travel an inappropriate distance to get to him in an emergency. He had submitted medical information outlining his condition including a letter from his GP and another from Addenbrooke's Hospital.

Further information had been submitted to explain why the use of the existing bungalow was insufficient to cater for the applicant's growing demands. The door openings were not wide enough for wheelchair access, there was no flush entrance threshold, kitchen furniture and worktops were at an inappropriate height for the applicant using a wheelchair and there was

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insufficient strength within the existing structure to support the hoists and associated tracks which would be needed by the applicant as his health continued to deteriorate. This information concluded that a complete makeover of the existing property would not be financially feasible.

If permission was granted for the annexe, given the nature of the application and the specific requirements from the applicant, a condition would be recommended to tie the annexe to the host dwelling and keep it within the same curtilage.

The proposed annexe was single storey and of a similar design and style to the host dwelling. It was not considered that it would be overbearing or create an unacceptable level of overlooking, and it would be in keeping with the vicinity. Materials had not been specified as part of the application and these would be secured by condition.

With regard to highways, the Planning Manager reiterated as there was an existing access on to the public highway off a private road, the Highways Authority did not think the development would have a negligible effect on the increase in traffic movements. The host dwelling had sufficient parking provision for the extension.

Members noted that the site was not considered to have any specific ecological importance and conditions for a drainage scheme, biodiversity enhancements and a soft landscaping would be imposed.

Councillor Bill Hunt asked if there was a monetary reason for the annexe not being attached to the host dwelling. The Planning Manager replied that there were financial reasons and also so that the applicant's daughter could care for him.

The Chairman reiterated that if permission was granted, approval would be conditioned for the use of the family member; this would be an enforceable, restricted use.

Councillor Becket said he struggled to understand why the annexe would not be attached to the host dwelling, as most annexes were joined on. He noted that the hydrotherapy suite was some distance away from the bungalow and he believed it would be far easier to enforce if the scheme was attached to the host dwelling. The Planning Manager responded, saying that annexes were usually attached, but this was what was before the Committee today. If Members were so minded, they could overturn the Officer's recommendation.

It was proposed by Councillor Bovingdon and seconded by the Chairman that the Officer's recommendation for approval be supported. When put to the vote, the motion was declared lost, there being 3 votes for, 5 against and 1 abstention.

It was duly proposed by Councillor Tom Hunt and seconded by Councillor Bill Hunt that the Officer's recommendation for approval be rejected and the application be refused. When put to the vote, the motion was declared carried, there being 6 votes for and 3 against.

It was resolved:

That planning application reference 16/01536/FUL be REFUSED for the following reasons:

- Members have concerns that the annexe is unattached to the host dwelling, that the applicant has failed to demonstrate the need for a separate building and concerns raised regarding the highway and additional traffic movements.

101. 16/01551/OUM – FORDHAM TECHNOLOGY CENTRE, 5 STATION ROAD, FORDHAM

Julie Barrow, Senior Planning Officer, presented a report (R199, previously circulated) which sought outline planning permission for the residential development of the application site with up to 27 dwellings, including 5 self build plots. All matters were reserved with the exception of access. The proposal included the provision of new accesses off Station Road.

On a point of housekeeping, the Senior Planning Officer drew Members' attention to the tabled paper which informed them of neighbour comments which had been received after the publication of her Committee report, and an additional condition in relation to the provision of fire hydrants following receipt of correspondence from Cambridgeshire Fire & Rescue.

It was noted that during the course of the application an amended indicative layout had been submitted detailing the proposed access points and demonstrating how the site could be laid out, including the internal access road and provision of public open space.

The application had been called in to Planning Committee by Councillor Julia Huffer as there was a great deal of local concern about this development, and it was felt that the matter would be best resolved by the Committee.

A number of illustrations were displayed at the meeting including a map of the application site, an aerial photograph outlining the position of the site, an indicative layout, an indicative building heights parameter plan, indicative building types, and how the street scene could look.

The Planning Manager said the main considerations in the determination of this application were:

- Principle of development;
- Visual amenity;
- Housing mix and affordable housing;
- Layout and public open space;
- Residential amenity;

- Highway safety and parking provision;
- Biodiversity and ecology; and
- Drainage and flood risk.

Members were reminded that the Council was currently unable to demonstrate a 5 year land supply for housing and therefore the presumption in favour of sustainable development set out in the NPPF meant that permission for development should be granted unless any adverse impacts would significantly or demonstrably outweigh the benefits of the proposed dwelling.

Given its proximity to the established development envelope, the level of goods and services on offer in Fordham, its connectivity to Ely, Cambridge and Newmarket and the enhancements to pedestrian access, it was considered that the site was in a sustainable location.

The applicant had submitted a scheme that included the retention of the existing employment use and the office building would remain fully functional. The only change would be to the car parking arrangements to the front of the building. On the basis that the development of the remainder of the site for residential purposes would not reduce the level of employment currently provided and in the absence of any planned expansion of the business currently occupying the building, it was considered that the proposal was in accord with the general principles laid out in Policy EMP 1.

The application was for outline permission with all matters reserved save for access. The final layout, scale and appearance of the development would therefore be determined at a later stage if the application was approved.

An indicative street scene for Station Road had been submitted showing the variation in height between the existing built form of Scabious Gardens and the office buildings and the proposed development and the approved scheme immediately to the east of the site. Together with the parameter widths and lengths plan, it demonstrated that the nature of the frontage development was commensurate with its surroundings and could be accommodated without appearing cramped or over engineered.

The proposal included the following indicative housing mix: two 5 bedroom, seven 4 bedroom, eight 3 bedroom and ten 2 bedroom properties. The applicant had therefore demonstrated that a mix of housing could be accommodated on the site and a significant number of smaller properties could be provided. The applicant was also proposing to provide up to 5 self build properties; although this was not strictly required by Policy HOU 1, it would provide opportunities for local residents to construct their own dwellings, as encouraged by national policy. 40% of the properties would be affordable.

The layout was, at this stage, indicative. Members were reminded that the indicative layout plan had been amended in the course of the application in order to address concerns regarding the location of the public open space.

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It would now be at the centre of the site, where it could be safely used by all residents.

The final layout would need to address the need for public open space in accordance with the Developer Contributions SPD and the indicative layout showed that the site would be marginally short of the amount of open space required. However, it was considered that a small shortfall in public open space would not warrant refusal of the application.

Turning next to residential amenity, the Senior Planning Officer said that the indicative layout demonstrated that a satisfactory relationship with Scabious Gardens and Market Street could be achieved. The final layout would need to accord with the Design Guide SPD and in general the requirements of the design Guide had been observed. It was therefore considered that the indicative layout would not compromise privacy or create a sense of overbearing on existing occupiers and complied with Policy ENV 2 in this regard.

The Local Highway Authority had examined the proposals and a number of changes had been made in accordance with comments received. This included a new footpath and crossing point and the LHA confirmed that it had no objection to the relocation of the access and new access points on Station Road. Parking provision would be in accordance with adopted standards.

Members noted that a Phase 1 Habitat Survey had been submitted with the application. Bats were known to use at least two of the buildings within the site and these would be retained and protected within the development. A reptile survey was also carried out, but no reptiles were recorded during the survey period and provided work commenced on site within two years of the date of the survey no further action would be required.

An Arboricultural Impact Assessment had been submitted with the application and based on the indicative layout, a number of relatively minor trees would need to be removed. The Council's Trees Officer had no objection to the proposal, subject to appropriate tree protection measures being put into place; these could be secured by condition.

The site was located in Flood Zone 1, and the Lead Local Flood Authority (LLFA) had initially objected to the Flood Risk Assessment on the grounds that further infiltration and storage volume information was required. A revised Assessment was submitted, and the LLFA duly removed its objection to the proposal, now being satisfied that a suitable surface water drainage strategy could be achieved on the site.

At the invitation of the Chairman, Mrs Nugent, agent for the applicant, addressed the Committee and made the following remarks:

- The Officer had presented a well reasoned report which was recommending approval;
- This scheme would provide much needed housing in a sustainable location;

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- The applicant had responded to comments at the pre-application stage and had subsequently amended the indicative layout application to address concerns raised.

Referring to the housing mix, Councillor Tom Hunt asked how many of the ten 2 bedroom houses would be affordable and how many open market. Mrs Nugent replied that she was unsure at this stage because the layout was only indicative.

At the invitation of the Chairman, Councillor Malcolm Roper, a Member of Fordham Parish Council read out the following prepared statement:

'The application site is outside the development envelope of the local plan adopted in April of 2015.

An application for 18 dwellings on this site was refused in October 1994. The reasons for refusal have not changed.

Part of the application is backland development which will give rise to an adverse effect upon the residential amenities and an unacceptable loss of privacy to the occupiers of Scabious Gardens and the rear of the properties on Newmarket Road. If planning approval is granted this would set an undesirable precedent for further development behind the frontage of Station Road. A fundamental requirement for successful backland development is for the site to be of sufficient depth to accommodate new housing in a way which provides a quality residential environment for new and existing residents. This proposal does not. Government advice is that backland development with plot sizes of less than 80 metres is unlikely to be acceptable, except where the existing urban grain is very urban in character and where careful design can overcome concerns of overlooking and day lighting. This site is neither urban nor carefully designed.

The new draft for the local plan does not include the application site. When the Parish Council were consulted Members all agreed and said they would support frontage development only along Station Road.

It would seem to the Parish Council that a frontage development would be more acceptable to all concerned including the developers and suggest up to 9 dwellings. There would be no requirement to provide affordable housing and no costly construction of a road.

The loss of affordable housing would be of no concern in this instance because there are many proposals coming forward for these homes including an extension to the housing association land on Soham Road, substantial amount of homes on the proposed development of Scotsdales garden centre and not forgetting the Community Land Trust in Fordham already set up.'

Councillor Bill Hunt said that having seen the track on the site visit, he wondered what was the objection. Councillor Roper replied that it was about security for the houses next to the track; the owners had put a locked gate at the end and this was not included in the plan.

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The Committee noted that Councillor Julia Huffer, a Ward Member for Fordham Villages, was unable to attend the meeting and the Chairman had therefore agreed that the Democratic Services Officer should read out the following statement on her behalf:

'Please accept my apologies for not being here in person but an unavoidable clash prevents me from attending the Planning Committee this afternoon. This proposed development had caused much disquiet not only among the residents in the immediate vicinity but also the Parish Council. This proposal will intrude into countryside by back filling behind an industrial building with a density completely out of character for the area. The draft local plan already has 150 houses proposed for the land opposite, which with this additional number of houses would make life unbearable for local residents. Once again Fordham, which has demonstrated its willingness to embrace the additional housing demand, is faced with yet more development other than already planned for. There has to be a line drawn somewhere, as the accumulative affect of all these speculative developments will be devastating to a village already in despair at the apparent lack of voice they seem to have. Should the Developer have considered frontage development only it might have met with more support but by pushing back so far into the countryside and setting a dangerous precedent for future proposals they have angered and upset a good many of the patient members of my village. I not only ask but implore the Committee to give a voice to the people of Fordham and refuse this application.'

In proposing that the Officer's recommendation for approval be supported, Councillor Chaplin thanked the Parish Council for their comments, but he disagreed that this would be backland development.

Councillor Tom Hunt seconded the motion for approval, saying that the Authority could not demonstrate a 5 year supply of housing land. He was a fan of the housing mix, but would be keen to see a good proportion of the two bedroom houses as open market to help people get on the housing ladder. He had taken on board the comments of the Parish Council and the Local Member, but he did not see that the scheme would cause demonstrable harm.

Councillor Bill Hunt suggested that tandem parking should not be permitted, and at a density of 8 dwellings per acre, there would be room for proper paths on the development. He assumed that the reserved matters application would come back to the Committee.

Councillor Cox said he found the application disappointing, given the existing houses facing Newmarket Road, but the Authority needed every house it could get.

The Chairman said that as the other Ward Member for Fordham Villages, he echoed Councillor Huffer's comments. It was a shame that the emerging Local Plan could not be acknowledged and frontage development would have been preferable. He thought the proposal to be out of keeping with the built form. He had every sympathy with Councillor Huffer, but the scheme would add to the Council's housing stock and this weighed in favour

in the planning balance, and besides which, the application would come back to Committee at the reserved matters stage.

The Committee then returned to the motion for approval, and when put to the vote,

It was resolved unanimously:

That APPROVAL of planning application reference 16/01551/OUM be delegated to the Planning Manager following the completion of a S106 legal agreement, to secure the affordable housing provision, self-build plots and public open space, and subject to the recommended conditions as set out in the Officer's report and the imposition of an additional condition in relation to the provision of fire hydrants following the receipt of correspondence from Cambridgeshire Fire & Rescue.

102. 16/01567/FUL – POND FARM, 21 HIGH STREET, WITCHAM

Andrew Phillips, Senior Planning Officer, presented a report (R200, previously circulated), which sought consent for a residential development for three houses plus garages and the change of use of an existing agricultural barn along with new vehicular accesses to 21 High Street and Plot 2.

It was noted that the application had been called in to Planning Committee by Councillor Mike Bradley. He considered the proposal to be an inappropriate form of development that would have an adverse impact on the character of the area located within the Witcham Conservation Area; it was contrary to Council Policy; and it would be detrimental to the residential amenity enjoyed by the nearby residents.

The majority of the overall site was located within the settlement envelope and the boundary of the Witcham Conservation Area. Only the dwelling within Plot 5 and part of the rear cartilage to Plot 4 would be positioned to the north just outside of these boundaries and within open countryside.

A number of illustrations were displayed at the meeting including a map of the application site, an aerial photograph, the layout of the proposal, the elevations, and the amended plan relating to the new access and reduction in the existing wall.

The Planning Manager said the main considerations in the determination of this application were:

- Principle of development;
- Visual impact;
- Residential amenity; and
- Highway safety.

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Members were reminded that the Council was currently unable to demonstrate a 5 year land supply for housing and therefore the presumption in favour of sustainable development set out in the NPPF meant that permission for development should be granted unless any adverse impacts would significantly or demonstrably outweigh the benefits of the proposed dwelling.

The boundary limitation placed by the village development envelope would not apply. Instead, the presumption in favour of sustainable development contained within both Policy GROWTH 5 of the Local Plan and paragraph 14 of the NPPF would take precedence in respect of the small part of the development located outside of the settlement envelope of the village.

On balance, the site was both substantially located within or on land adjacent to the development envelope and therefore well connected to the village. It was sited near to other residential dwellings and was therefore considered to be an acceptable location for development.

With regard to visual impact, the proposed development had been designed in a sensitive manner and there were examples of barn style development towards the rear of sites elsewhere in the vicinity. Two of the properties would front on to Headley's Lane, one on to High Street and only one would be positioned behind the predominant building line. On balance, it was considered that the current proposal would maintain the character and grain of the village, and be of a design, and above all, scale, which maintained and respected the character and setting of the surrounding Conservation Area as well as Witcham House and the small group of vernacular and Victorian terraced dwellings located across the High Street to the south.

The Senior Planning Officer said the following additional condition would be added to the permission, if granted:

'All works shall be carried out in accordance with the GA Gawin Associates Structural Survey dated 14 June 2016. If, during construction, it becomes apparent that further works or changes are required, work shall not progress any further on site until the applicant has secured a site meeting with a suitably qualified professional to agree the method and extent of any changes. A written schedule shall be submitted to and approved in writing by the Local Planning Authority.'

Members noted that given the inherent close relationship between existing dwellings across the street at the eastern end of the High Street, the shortened interface distance between the proposed dwelling at Plot 2 and the dwelling at 36 High Street, though not reflecting Design Guidance applied in respect of modern developments, was acceptable within the context and constraints by this particular historic environment.

In connection with highway safety, the Senior Planning Officer said that there would be a 6 metre wide access for the existing and proposed dwelling onto the High Street, and there would be a 5 metre driveway onto Headley's Lane.

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At this point, the Chairman said that he would depart from the agreed procedure to allow each category of registered speaker a total of 7 minutes in which to address the Committee.

At the invitation of the Chairman, Mr Mackender spoke in objection to the application and made the following remarks:

- He rejected the application as currently proposed and sought amendments;
- The development was inappropriate by nature, being too dense for the relatively small plot of land;
- It would be overdevelopment, there would be a loss of privacy and it would have an impact on the area;
- Plot 4 was laid out so the windows of the house looked across his garden;
- The report made reference to the ancient wall, but not to the brick granary wall which runs from Plot 1 to the end of Plot 4. It is a 2 metre high part of the existing 19th century building.
- This was a glaring omission with his property and he requested that the Committee rectify this;
- Plots 4 and 5 should be repositioned as it was unnecessary to have them outside the village boundary;
- Plot 5 was entirely outside the Vision planning boundary, very similar to the land at 9 High Street.

At the invitation of the Chairman, Mr Vousden spoke in opposition to the application and made the following points:

- He lived opposite Plot 5 and was conflicted by the application;
- Plots 4 and 5 were inappropriate because one was partially outside and the other was completely outside the framework;
- He had his doubts about the document submitted by the Case Officer;
- The development was too densely laid out;
- There would be timing issues. Construction noise would impact on his horses, and if the development was staged, there would be construction noise for years;
- The Council had already approved 17 houses elsewhere in the village.

At the invitation of the Chairman, Ms Amy Richardson, agent for the applicant, and accompanied by Jamie Palmer (architect), addressed the Committee and read from the following prepared statement:

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'Whilst the application is recommended for approval by the Planning Officer, there is concern from the Parish Council and local residents regarding development on this site, and I wanted to address some of those concerns.

The vast majority of the site falls within the development envelope, however, one plot, plot 5 falls wholly outside. However, as the Council is fully aware, given the shortage in your 5 year land supply, the usual weight that would be given to your supply of housing policies is slightly more limited in such circumstances.

Much has been made of this proposed development being 'unnecessary', 'untenable', 'overdevelopment', and 'poorly designed'.

It is important to bear in mind this is not a Greenfield site, this is a former farmstead, which has always had built form on it; the heritage statement which accompanies the application makes it clear that there has always been buildings to the rear of the site, of varying heights and designs, some of which have formed the existing boundary with other residential properties, but it has never been a building free site.

The site has quite frankly fallen into disrepair and turned into an overgrown wilderness. It cannot be claimed that the site makes a positive contribution to the Witcham conservation area. If anything, the site is having a negative impact.

It is argued by the Parish Council that the site is overdevelopment. Taking the existing property, No. 21 into account, the development is actually 16.6 to the hectare, so it is from a density point of view extremely low. The gardens and amenity space for all of the properties is extremely generous giving the development an open feel appropriate to its rural setting. The applicant thought very carefully about the inclusion of Plot 5 which is outside of the development, and whether it was a step too far. However, when you look at the site layout without it, it would unbalance the scheme, the two barns sitting side by side as you head up Headley's Lane is something you would see in the vicinity. Plot 5 helps create a sense of enclosure to the scheme and create a former farm yard appearance.

Much is made of the wall running along the High Street and down Headley's Lane and yes, it is an interesting feature, however the Council's Conservation Officer has confirmed that, whilst the wall is a feature within a street scene, it is not of particular architectural or historic significance, (it's certainly not ancient) and indeed is in poor condition with large areas having been repaired and replaced in the past.

Whilst the application seeks to remove a small portion of the wall, a large proportion is to be retained, and indeed to be rebuilt. There is a strongly worded planning condition which requires that prior to commencement of the development, the details regarding the partial demolition and reinstatement of the brick wall is to be submitted and approved in writing to the Council. I am sure from the site visit it is clear that the wall is not in a particularly good condition (and probably dangerous) and actually what it will be replaced with is going to be far superior than what is there and will make a much better contribution to the conservation area.

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Concern has been made regarding Plot 4 and its proximity to the boundary. This plot is located predominantly on the footprint of existing buildings that were on the site. We are not adding built form to that part of the site that has not previously been there. Care has been taken to ensure there are no overlooking opportunities from habitable windows into the garden of No.19. There is a velux landing window and very small ensuite window – both of these can be obscure glazed if Members are concerned. The neighbour has asked that the 2.5 metre wall be retained between the properties. The applicant has no concerns in replacing the wall like for like, if Members feel that it helps protect the neighbour's residential amenity and could be conditioned.

There is a modest extension to the existing barn. This barn as you have heard is designated as a building of local interest, and this development allows it the opportunity to be preserved for future generations to enjoy. The elevation fronting Headley's Lane has minimal disruption so that the impact as a barn can remain. There is a modest rear extension, but this is needed to create the size of footprint expected for modern living.

Much has been made regarding the 2 new vehicular accesses onto High Street, as being dangerous. County Council Highways are not concerned with these entrances, and indeed if they weren't created, then No. 21 would continue with on-road parking, so we feel there is a gain by giving it an off-road parking space, and likewise for the new plot 2.

Concern has been raised regarding Great Crested Newt habitat nearby. The applicant has undertaken a very detailed ecological survey with 3 site visits being undertaken which is a very thorough investigation of the site, and Great Crested newts are not present and it is not a suitable habitat for them. A licence will be obtained from Natural England to deal with the bats on site, and there are some recommendations in terms of bat and bird mitigation, which are secured through Planning Condition 15.

There are no adverse impacts from this scheme which would significantly and demonstrably outweigh the benefits of this scheme coming forward. The Council needs to provide more housing in the District. This may not be a popular scheme with some of the immediate residents, but change is rarely supported. It is important that small villages like Witcham take a positive approach to sustainable new development as it is essential in assisting the promotion of a strong rural economy. Modest levels of development should be supported, and allow the Parish to receive CIL payments to help fund infrastructure improvements.

This scheme has 18 carefully worded conditions that will ensure that this site is developed in a way that protects the conservation area through suitable materials for the built form, and in particular the wall, that there are biodiversity improvements and enhancements, trees to be retained are protected, archaeology will be investigated and surface and foul water drainage will be dealt with correctly so it doesn't have an adverse impact on the existing system for the village.'

Councillor Bill Hunt had a number of questions. He asked Ms Richardson if the roadway would be up to adoptable standard and she

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replied that this would be up to her client. It did not need to be because the quality would be suitable but it would be constructed to an acceptable standard. Councillor Hunt then asked if there would be a pavement and was advised that there would not be one at Headley's Lane. Councillor Hunt's next question was regarding the wall and he wished to know if it would be rebuilt using old bricks. Ms Richardson reiterated that her client would need to submit a detailed scheme; the rebuild and would use as many reclaimed bricks as possible with lime mix rather than concrete. The scheme would have to be approved by the Council, so they would have control.

Councillor Chaplin asked if Plot 5 was needed to complete the development as it was outside the development boundary. He queried why the scheme had not come up the High Street. Ms Richardson said it would be necessary to take out a fair proportion of the wall and the existing agricultural access would be used.

Councillor Beckett sought assurance that the wall running north to south between Mr Mackender's property would be retained. Ms Richardson confirmed that it would be and said that a suitably worded additional condition could be imposed to ensure this.

At the invitation of the Chairman, Mesdames Linda Elbourne and Julie Bibby, Members of Witcham Parish Council, addressed the Committee and made the following comments:

- They were asking the Committee to decline approval. The Parish Council had received objections to the scheme and supported the concerns raised;
- It would cause loss of amenity, overlooking and overshadowing;
- There would be issues regarding access and problems with traffic generation. The access for Plots 1 and 2 were inadequate;
- The ancient wall should be preserved and maintained;
- The proposal was too near the junction;
- There would be an unacceptable loss of trees and wildlife;
- It was overdevelopment and there was insufficient infrastructure;
- The layout and density was too much and Plot 5 was outside the development envelope;
- The village's heritage should be preserved;
- The site would be cramped and not be in keeping with the street scene;
- There was archaeological interest on the site;
- It was an unnecessary, untenable backland development.

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Councillor Bill Hunt asked the Planning Manager whether it would be possible to approve the application subject to the retention and improvement of the two walls in consultation with the Conservation Officer. He believed that Mr Mackender's wall was very fine and that it should be preserved and retained on Main Street. The Planning Manager advised that the wall on the High Street was already covered by condition 8, but another could be added to the permission for the other wall.

Councillor Tom Hunt proposed that the Officer's recommendation for approval be rejected. He believed the scheme had overreached itself and it was overdevelopment of the site. The pattern of development would be out of keeping with the character of the area and there were concerns about access. There was strong opposition from local stakeholders as well as the Parish Council and the local Member.

In seconding the motion for refusal, Councillor Chaplin said he could not support the Officer's recommendation, especially with regard to Plot 5.

Councillor Beckett disagreed, saying that the site needed to be redeveloped and this would be an opportunity to enhance the area. He believed the architects had worked well and he could not see that the proposal would damage Witcham if the application went forward. It was in keeping with the Conservation Area.

Councillor Bovingdon concurred, adding that this would be a low density development and the houses would add to the area. Witcham did not have a village envelope and there was a danger that if this application was refused, someone could come back with plans for a large development which could be hard to refuse. This scheme was contentious and there needed to be strict conditions, but the concerns of the neighbours should also be addressed.

The Chairman commented that an additional condition could be imposed regarding the retention of the wall and obscure glazing to reduce overlooking.

Councillor Tom Hunt said that whilst Members were talking about the need for housing, they were the voice of the community and he felt there had been a clear strong breakdown in communication. He was not happy to support approval and on principle he would make a stand.

The Committee returned to the motion for refusal and when put to the vote the motion was declared lost, there being 4 votes for and 5 against.

It was duly proposed by Councillor Beckett and seconded by Councillor Bovingdon that the Officer's recommendation for approval be accepted. When put to the vote the motion was declared carried, there being 5 votes for and 4 votes against. Whereupon.

It was resolved:

That planning application reference 16/01567/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report, and

the imposition of additional conditions relating to the retention of the wall and obscure glazing, delegated to Director, Operations.

103. 16/01733/VAR – FENLAND MODEL CLUB, HIVE ROAD, WITCHAM

Julie Barrow, Senior Planning Officer, presented a report (R201, previously circulated) which sought to vary condition 9 (operating times) of the previously approved application 15/00802/VAR, which provided an extension of operating hours on a temporary basis for one year. The application proposed that these temporary hours be made permanent.

On a point of housekeeping, the Senior Planning Officer drew attention to the tabled paper which referred to the following:

- Comments received from Coveney Parish Council after the publication of the Committee report;
- Neighbour comments (4 Jerusalem Drove) received after the publication of the report;
- A correction to paragraph 2.3 of the report – delete '*This variation will be for a temporary period of one year.*' If granted permission, the variation would be permanent;
- Fenland Model Club is now known as Ely Model Aircraft Club; and
- Further comments submitted by one of the objectors noted in the Committee report.

It was noted that the application had been called in to Planning Committee by Councillor Anna Bailey as a resident had provided details of ongoing noise issues and given the long history, it would be fairest for it to come to Committee.

The site was located between Witcham and Wardy Hill in a countryside location. It was accessed from an unmade track which was some 300 metres in length to the east of Hive Road, which linked the two settlements.

A number of illustrations were displayed at the meeting including a map of the application site, an aerial photograph showing the location of the application site in relation to Wardy Hill and Witcham, and another aerial photograph relating to residential amenity..

The Senior Planning Officer said the main consideration in the determination of this application was residential amenity.

Members were reminded that the principle of development had already been established by granting the previous planning applications and all that was being considered was the variation of condition 9 from application 15/00802/VAR. This sought to make permanent a change of operating hours which had been granted temporary consent for a period of 12 months from 5th February 2016.

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The change in hours effectively granted an additional hour of flying between 19:00 – 20:00 Monday to Saturday and an additional hour between 17:00 – 18:00 on Sundays and Bank Holidays.

It was noted that since the previous decision notice was issued the site had been monitored and no noise complaints had been received by the Local Planning Authority or the Council's Environmental Health department. Three letters of objection had been received during the course of this application, but examination of the Club's logs had shown that everything was in order.

As there was no hard evidence that the extended hours were causing any harm, Officers were satisfied that they could continue but on a permanent basis.

Councillor Beckett proposed that the Officer's recommendation for approval be rejected and that the Club should revert back to its original hours. Noise pollution was difficult to deal with and it appeared to him that the electric aircraft were the noisier of the models; he felt people should be able to have enjoyment of their surroundings.

Councillor Chaplin commented that he had originally voted against the application. Whilst he still disliked it now, he did not believe that it could be reasonably be refused.

Councillor Bill Hunt said that whilst people would write an initial letter of complaint, he did not think they would always do so a second time, but that did not mean that they no longer had any objections. He did not think it unreasonable that people should have the enjoyment of their amenities in the evenings and at weekends. He thought that 50 hours per week of flying time was more than enough and consideration should be given to other users of the countryside; there had to be a balance.

The Chairman said this was an attempt to regulate a hobby. He questioned the Authority's ability to be able to investigate every complaint and said that people had to be realistic about enforcement. Councillor Bill Hunt disagreed, saying that the silent majority should be supported.

Councillor Tom Hunt vacated the Chamber at 6:53pm and returned to the meeting at 6:55pm.

The Senior Planning Officer said that analysis of the information suggested that the noise was from an internal combustion model. The Planning Manger added that in the past year the Case Officer and Environmental Health Officer had regularly visited the site and raised no concerns.

It was duly proposed by Councillor Bill Hunt and seconded by Councillor Beckett that the Officer's recommendation for approval be rejected. When put to the vote, the motion was declared lost, there being 2 votes for and 6 votes against.

It was then proposed by Councillor Chaplin and seconded by Councillor Bovingdon that the Officer's recommendation for approval be

supported. When put to the vote the motion was declared carried, there being 6 votes for and 2 votes against. Whereupon,

It was resolved:

That planning application reference 16/01733/VAR be APPROVED subject to the recommended conditions as set out in the Officer's report.

104. PLANNING PERFORMANCE REPORT – DECEMBER 2016

The Planning Manager presented a report (R202, previously circulated) which summarised the planning performance figures for December 2016.

It was noted that targets were being achieved.

The Chairman asked Members to read the paper regarding appeals decisions, which had been tabled for information.

Councillors Bovingdon and Bill Hunt expressed their thanks to the Planning Team for all their continuing hard work, and the Chairman expressed his thanks to Members and Officers for their attendance on what had been a very long day.

The meeting closed at 7:00pm