



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee
held in the Council Chamber, The Grange,
Nutholt Lane, Ely on Wednesday, 6th February 2019
at 2.00pm

P R E S E N T

Councillor Joshua Schumann (Chairman)
Councillor Christine Ambrose Smith
Councillor Sue Austen
Councillor Derrick Beckett
Councillor Paul Cox
Councillor Lavinia Edwards
Councillor Mark Goldsack
Councillor Bill Hunt
Councillor Mike Rouse
Councillor Stuart Smith

OFFICERS

Tracy Couper - Democratic Services Manager
(Agenda Items 5 & 6)
Richard Fitzjohn – Senior Planning Officer
Barbara Greengrass – Planning Team Leader
Janis Murfet – Democratic Services Officer
Andrew Phillips – Planning Team Leader
Rebecca Saunt – Planning Manager
Dan Smith – Planning Consultant
Cathy White – Senior Trees Officer

ALSO IN ATTENDANCE

Councillor Allen Alderson (Agenda Item No 6)
Councillor Anna Bailey (Agenda Item No 5)
40 members of the public

115. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Councillor David Chaplin.

There were no substitutions.

116. DECLARATIONS OF INTEREST

Councillor Goldsack declared a prejudicial interest in Agenda Item No. 8 (18/01544/OUT, Site Opposite Perivale, Barcham Road, Soham). He said he would leave the Chamber prior to the discussion and voting on the item.

117. MINUTES

It was resolved:

That the Minutes of the meeting held on 9th January 2019 be confirmed as a correct record and signed by the Chairman.

118. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- He welcomed Chris Partrick, Conservation Officer, to the meeting;
- For the benefit of the public, and in particular for those who were registered to speak, he explained the Speaking at Committee procedure and how the timing on the light tower operated.

119. 18/00775/FUL – 51 CANNON STREET, LITTLE DOWNHAM, CB6 2SS

Rebecca Saunt, Planning Manager, presented a report (reference T193, previously circulated) which sought consent for the demolition of the dwelling at 51 Cannon Street and the construction of two 4 bedroom dwellings fronting Cannon Street, three 2 bedroom dwellings to the rear and one 3 bedroom dwelling fronting White Horse Lane.

The application was a resubmission of a previously refused application (17/00667/FUL) which was subsequently appealed and dismissed. This application was presented to Planning Committee on 24th September 2018 and deferred to allow further discussion regarding the Ecological Survey with particular regard to the alleged presence of Great Crested Newts on, or near the site.

It was noted that following deferral, the applicant had submitted amended plans and additional information including:

- Reptile Survey;
- Preliminary Ecological Appraisal;
- Plans to include addition of a wildlife corridor and additional planting;
- Plan showing an amended access and clarified parking arrangement.

Members were reminded that the application site comprised a vacant plot of land, once used as an orchard, located just to the south of the development boundary of the village which also formed the boundaries of the rear gardens of 49A, 49 and 51 Cannon Street. These neighbouring

dwellings also occupied elevated positions in respect of the application site, with downward sloping gardens benefiting from mature gardens and hedge growth. Part of the eastern boundary of the site was demarcated by White Horse Lane; to the south was open farmland and to the west of the site were small scale agricultural buildings and residential ancillary structures.

The application had been called in to Planning Committee by Councillor Anna Bailey 'given the number of comments raised by nearby residents and the planning history of the site.'

A number of illustrations were displayed at the meeting, including a map, an aerial image, the layout of the proposed development, the proposed elevations, the design of the dwellings on Cannon Street and White Horse Lane and a photograph of the street scene along Cannon Street.

The main considerations in the determination of the application were:

- Principle of Development;
- Residential Amenity;
- Visual Impact;
- Highway Safety & Parking;
- Trees;
- Ecology; and
- Flood Risk & Drainage.

The Committee was reminded that the Council was currently unable to demonstrate a 5 year supply of land for housing and therefore all planning applications for housing were to be considered on the basis of a presumption in favour of sustainable development unless there were any adverse impacts in doing so.

The application site was adjacent to the development envelope for Little Downham with good pedestrian links to the centre of the village; it was therefore considered to be in a sustainable location.

In terms of visual impact, the front two plots would contribute to a varied street scene and the rear three plots would use the site topography with a minimal impact on the street scene. There was built form on either side of the site, and it was considered that housing here would not appear incongruous. The proposal reduced density and amended the layout of the previous refusal. Plot 6 would appear as traditional infill.

The Planning Manager stated that with regard to residential amenity, the amended layout would avoid harm from vehicle noise and there would be sufficient separation distances to avoid overbearing. It was noted that the overbearing impact on No. 5 White Horse Lane had been overcome since the previous refusal. There would be no windows on side elevations and the proposal accorded with the Design Guide.

In connection with highways and parking, a number of comments had been received as part of the re-consultation for both the access and dwellings using Cannon Street and the one dwelling using White Horse Lane. The proposal complied with the standards of the Adopted Local Plan and did not include any tandem parking. There would be sufficient parking and turning on site and it should not lead to an increase in parking along Cannon Street. The Local Highways Authority had raised no objections to the scheme.

The Committee was reminded that the applicant had submitted a Reptile Survey and a Preliminary Ecological Appraisal for the site. All the information in respect of ecology and biodiversity had been extensively discussed with the Wildlife Trust along with neighbour and Parish Council comments.

The Reptile Survey concluded that no reptiles were found during the survey, but there were records of reptiles which had been returned from the local records centre and sightings of grass snakes that had been reported by local residents. As all reptile species were protected by the Wildlife & Countryside Act 1981, a method statement and further enhancements to try and minimise the impact of the development on the local reptile population would be secured by condition.

The Reptile Survey did not cover Great Crested Newts as they were amphibians. Many comments had been received about the timing of the survey and how it had not been undertaken in the months outlined in Natural England's Standing Advice. This was raised with the Wildlife Trust and they advised that due to the prolonged warm weather in 2018, the season where conditions were suitable for reptiles to be active was extended. They therefore considered the timing of the survey to be acceptable.

The Preliminary Ecological Appraisal concluded that the habitats found within the site could potentially support protected species groups including nesting birds, reptiles, and Great Crested Newts (GCNs) in their terrestrial stage and these were connected to the surrounding suitable habitat by hedgerows and grassy fields. However, as there was some uncertainty that Newts might be present, the Wildlife Trust advised that the applicant should either carry out additional GCN surveys or, based on the assumption that GCNs might be present, alter the design of the proposal to retain a corridor of undisturbed habitat.

The applicant had listened to the Wildlife Trust and acted as though Newts were present. The wildlife corridor would be retained and managed in the long term, orchard trees would be retained, and fencing would be permeable to wildlife. A reptile and GCN method statement would need to be produced by the applicant prior to the commencement of development to minimise any impact. If a Newt was found during works then work would have to stop immediately and the ecologist or Natural England contacted, as a European Protected Species license would have to be obtained.

The Planning Inspector and the Lead Local Flood Authority considered the drainage strategy to be adequate as part of the previous application and a surface water drainage scheme would be secured by condition.

With regard to other matters, Members noted that no comments had been raised by the County Council regarding Mineral Safeguarding; a Construction Environment Management Plan and an Energy Strategy would both be secured by condition.

The Planning Manager concluded by saying that previous concerns had been addressed and the application was therefore recommended for approval.

At the invitation of the Chairman, Mr Keith Agate, accompanied by Messrs Francis Cusick and Norman Highnam, addressed the Committee in opposition to the application and made the following points:

- He was representing the neighbours most affected by the proposal;
- He felt this application should be treated the same as those that had already been refused;
- The proposal would be out of character with the area, which was on the transition between the edge of the village and the countryside beyond;
- The siting and layout of the scheme had no particular affinity with the locale. It would harden the edge of the village and harm the transition;
- It was contrary to Policies ENV1 and ENV2 of the Local Plan 2015, and LP 22 and LP28 of the Submitted Local Plan 2018;
- The impact of the additional traffic would have a significantly harmful effect;
- They were objecting to plots 3 – 6 and did not understand why the application was recommended for approval;
- There would be a greater impact on wildlife, a potential greater impact on highways and the potential for significant flooding;
- The community was against the proposal, as was the Parish Council;
- Errors in the application had gone unchallenged – it was not sustainable development;
- The Planning Inspector had spoken of the tilted balance, and the adverse impacts still outweighed the benefits of the scheme.

Councillor Hunt asked Mr Agate if there were already problems with parking in Cannon Street. Mr Agate replied that there was much on-street parking, which often meant that agricultural vehicles were unable to get through. Mr Cusick added that there were similar issues along White Horse Lane.

At the invitation of the Chairman, Mr Peter McEwan, agent, addressed the Committee and made the following comments:

- The application had been deferred for ecology reports;

- The applicant had engaged with the Wildlife Trust and taken on board their comments;
- There were no reptiles or Great Crested Newts present on the site but a wildlife corridor would be introduced;
- The applicant had responded positively to issues and the frontage of the scheme had been revised;
- The frontage had been revised and reduced in height and key views from Cannon Street would be retained;
- The three properties to the rear would have generous plots;
- The design and layout of the scheme would be in keeping with the agricultural vernacular;
- The access to the rear would only serve plots 3 – 5 now and off street parking was compliant with the Local Plan;
- The principle of introducing development to the rear was acceptable to the Planning Inspector and a material consideration;
- The proposal was a high quality, sustainable development with a good mix;
- The applicant had worked with the Wildlife Trust and Officers so there were no issues. Conditions 20 and 22 were pre-commencement of development and they were happy with the conditions;
- The application was compliant and should be granted approval.

Councillor Hunt asked a number of questions of Mr McEwan. He wished to know the number of bedrooms for plots 3 – 5 and was advised that they were 2 bedroomed with a study; there was nothing to stop the study being used as a third bedroom. Councillor Hunt then remarked that as a Newt was not a reptile, the Reptile Survey was not relevant. Mr McEwan agreed that they were not reptiles and replied that Newts were mentioned in the Preliminary Ecology Report, the nearest location being over 300 metres away. In response to a further question, Mr McEwan said the roads would be built to adoptable standards and there would be no footpaths; access would be shared with cars.

At the invitation of the Chairman, Councillor Richard Maxey, Little Downham Parish Council, addressed the Committee and made the following points:

- He did not believe the application addressed all the concerns raised, drainage being one of the issues, but it had made some positive changes;
- He had been under the impression that refuse lorries would be unable to access the development. Even though it would be possible, access was still an issue as both streets were very narrow;

- Although there would be additional parking, this would not address the full issue and that fronting onto Cannon Street was likely to be inadequate;
- Quoting from a report regarding sustainability, he said that the Council was assuming that public transport was adequate, but this was not the case. Rural bus services were dismal and people moving to Little Downham would need their own transport. Despite the Mayor of Cambridgeshire & Peterborough announcing his intention to set up a Transport Task Group, if one lived in Little Downham, the only benefit from buses would be to be able to get to Ely;
- He disputed the proximity of Newts in relation to the site, as the nearest sighting had been far nearer;
- The Parish Council believed that the amendments had not changed the application materially. There should be a survey carried out in the Spring and the plotting of Great Crested newts should not be left to the builders.

At the invitation of the Chairman, Councillor Anna Bailey, a Ward Member for Downham Villages, addressed the Committee and made the following remarks:

- The proposal was backland development and would be built on a ridge that formed a natural edge to the village;
- She was very concerned about the backland applications on Cannon Street as the development line was very tight;
- The Inspector had dismissed the Appeal at a time when the Authority did not have a 5 year supply of housing land;
- The site was an area of soft transition and plots 3, 4, and 5 would have an urban hardening effect. Plots 1 and 2 being relatively tall, were not in keeping with the locale and would cause significant harm. The Inspector had commented that the front plots were too high, cramped and would have a significant impact;
- A net gain was required for biodiversity and the plans did not incorporate this. The Wildlife Trust welcomed the revised plans, but she did not see how corridors in private gardens could be maintained as it would be unenforceable;
- She believed the application was seeking to subvert the planning process and the Wildlife Trust was wrong to go against the provisions of Circular 06/05;
- The development would cause significant harm to the countryside, the applicant had failed to provide a Great Crested Newt (GCN) Survey, and there would be no net gain for biodiversity.

Councillor Edwards expressed concern regarding the potential presence of Newts. Having noted that a Survey carried out in October had

concluded there was a low to moderate chance, she asked if the results would have been higher had it been conducted later.

Councillor Bailey replied that a Phase 1 Habitat Survey had determined the likelihood, but it failed to take into account the pond next door and the recorded evidence of significant sightings. Her main point about the Newts was that there should have been a proper survey at the proper time before the application could be determined. You could not mitigate if you did not know what you were mitigating against.

Councillor Cox thought there was too much emphasis on the Newts. There were problems with the terrain but if the application went ahead, the orchard would be retained, but at present there was no guarantee that the orchard would stay as there was no protection on the trees and they could be removed. Nobody had control over it, so it would be either wilderness or just left.

The Planning Manager reiterated that the scheme had been redesigned, the applicant having taken on board the points raised. One plot had been removed and the dwellings made smaller. This was a new application. The Chairman asked her if it was a question of Members feeling that ecology had been sufficiently remedied. She replied that both an Ecology Survey and Retile Survey had been submitted. Natural England's standing advice was to have either a GCN Survey or go for the 'gold standard' approach in terms of habitat. All of this had been discussed with the Wildlife Trust.

Councillor Rouse noted that Parish Councillor Maxey was concerned about the additional number of cars that would be on Cannon Street, but there was a high dependency on motor vehicles in all villages. The Planning Manager reminded Members that the proposed scheme could not be responsible for existing traffic problems. There would be two parking spaces per dwelling and this fully complied with the Adopted Local Plan; the design also ensured that there would be no tandem parking.

Councillor Hunt sought clarification regarding the difference between a two bedroom house with a study and a three bedroom house. The Planning Manager informed him that the Local Planning Authority looked at design; how a property was advertised was not a concern.

Councillor Hunt next said he thought there would have to be a Phase 1 Survey, unless there were exceptional circumstances. The Planning Manager replied that a survey had been submitted, and it had been carried out at a suitable time; the Preliminary Ecological Appraisal was the Phase 1 Survey.

At this point the Chairman said he was content that the applicant had complied with all the processes and the application could be determined.

Councillor Ambrose Smith thought the applicant had gone to great lengths to achieve an acceptable scheme and she proposed that the recommendation for approval be supported.

Councillor Hunt said he felt uncomfortable because there had been no opportunity to visit the site and when the application last came to Committee, Members had been unable to gain access to the site on that occasion too.

The Chairman reminded him that the agenda had been published the week before this meeting, and it clearly stated that there would be no site visit. It was the Council's custom not to revisit sites within a certain time frame, and Councillor Hunt should have raised the matter either with himself or the Planning Manager.

Councillor Hunt recalled the previous application being refused and he thought the opposition and criticisms made at that time were still valid. Cannon Street was mainly linear development and he wondered where the backfill would end. Having been down White Horse Lane, he was aware of the difficulty in turning there; there was no footpath and the refuse collectors had to use a special vehicle. The existing orchard softened the line between the houses and countryside, but further development would create a hard edge. There were very few benefits to the scheme and they did not outweigh the harm that would be caused. Local residents were opposed to the development and Members should listen to them.

Councillor Hunt duly proposed that the Officer's recommendation for approval be rejected and the application refused. The motion was seconded by Councillor Smith.

Councillor Rouse felt this to be a sensitive issue, but believed the site was capable of development. Much work had been done to meet requirements and the Wildlife Trust was satisfied. The parking was compliant and adequate; it was a matter of balance and he would support approval.

Councillor Beckett considered the proposed two houses at the front of the site to be very cramped and contrived.

The Chairman said that shared surfaces were not such a concern although he understood the concerns about creating a precedent; he too agreed that the application was very finely balanced.

Councillor Goldsack said it was difficult to sit in judgement on the application when he had not seen the site. However, the applicant had done all he virtually could to bring forward an acceptable scheme. Making reference to a text he had received, he queried where children of the future were going to live and noted that Little Downham had had only 5% growth. In view of this, consideration should be given as to which locations should take sustainable development.

The Committee returned to Councillor Ambrose Smith's motion for approval and this was seconded by Councillor Cox. When put to the vote, the motion was declared lost, there being 4 votes for and 6 votes against.

Councillor Hunt put forward the following reasons for refusal of the application:

- It would create a hard edge to the village;
- The benefits of the scheme would not outweigh the harm;
- It was out of keeping with the character of the area;
- Plots 1 and 2 would be cramped;

- There would be a lack of amenity to Plots 1 and 2; and
- The scheme would have a negative visual impact.

On a point of order, Councillor Goldsack said he did not agree with all the points put forward by Councillor Hunt, but he concurred that the proposed two dwellings at the front of the site were overbearing and had concerns about the ecological aspects.

After further discussion, the reasons for refusal were amended to the satisfaction of Councillors Hunt and Smith. When put to the vote, the motion was declared carried, there being 6 votes for and 4 votes against.

It was resolved:

That planning application reference 18/00775/FUL be REFUSED for the following reasons:

- Members believe Plots 1 & 2 will be cramped and overbearing;
- There will be lack of amenity to Plots 1 & 2; and
- There is uncertainty regarding the adequacy of the ecology report for the site, particularly relating to the Great Crested Newt Survey.

120. 18/00905/FUL – VINE HOUSE, 6 FAIR GREEN, REACH, CB25 0JD

Dan Smith, Consultant, presented a report (reference T194, previously circulated) which sought consent for the refurbishment of the existing office at Vine House and conversion of the pool room into a dwelling. The ancillary buildings on the site would be demolished and replaced with three dwellings.

It was noted that the application was amended to show revisions to the access including a widening of the entrance immediately adjacent to Burwell Road.

The site was primarily located within the established development envelope of Reach and its Conservation Area, but the access and main parking area were outside the envelope to the east. The Church of St Etheldreda, a Grade II listed building, was within the immediate vicinity of the site, approximately 40 metres to the north of Vine House. The dwelling was accessed off the frontage on Fair Green with the remainder of the site from the rear via an unadopted lane which ran north from Burwell Road across neighbouring land and into the site.

The application was called in to Planning Committee by Councillor Alderson, as he was of the view that the benefits of the housing outweighed any perceived disadvantages.

A number of illustrations were displayed at the meeting. They included a map of the location site, an aerial image, the main site layout of the proposal, the access including the proposed widening and passing bays, and elevations.

The main considerations in the determination of the application were:

- Principle of Development;
- Impact on Trees;
- Access, Parking and Highway Safety;
- Residential Amenity; and
- Visual Impact and Historic Environment.

Members were reminded that the Council could not currently demonstrate a 5 year supply of land for housing, and therefore all planning applications for housing were to be considered on the basis of a presumption in favour of sustainable development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It was noted that the Council had a 3.94 year supply of deliverable housing land.

The Planning Consultant stated that the application site was home to many trees both adjacent to the access and on the main part of the site, several of which were protected by Tree Preservation Orders. The widened access point would require the removal of a protected Lime at the corner of the rows of TPO Lime Trees which ran parallel to Burwell Road and away from it into the site.

The Trees Officer was of the opinion that there were potential additional impacts of widening on the other TPO trees adjacent to the access drive, putting their long term viability at risk. The trees made a significant contribution to the character and appearance of the village by virtue of their prominence. There would be no opportunity for replanting on the road. It was considered that the impact on the trees would cause significant long term harm and Members were reminded that a scheme for an adjacent site had been refused under delegated powers due to the impact of the access on the trees.

Speaking next of highways and parking, the Planning Consultant said that most of the site was accessed off Burwell Road which currently provided access to business units. The Local Highways Authority was content that the widened access would have an acceptable impact on highway safety and that there would be sufficient space retained on site for the parking and turning of vehicles.

With regard to residential amenity, the Committee noted that Plots 3 and 4 would be well separated from the neighbouring dwellings and there would be no significant harm from overlooking. The converted pool building would not significantly increase in height or mass, so the impact on the neighbour to the south would remain similar. Officers did not consider that there would be a substantial increase in noise from vehicle movements to the office and three dwellings. Noise during the construction period could be adequately mitigated by a condition restricting the hours of construction.

The Committee noted that Vine House and the pool building were prominent in public views. The layout and form of the proposal were considered to reflect the existing character of the site and be appropriate to

the wider context of the surrounding area. However, the impact on visual amenity of the removal of existing trees on the site was considered unacceptable.

In connection with other matters, the Planning Consultant said that ecology and flood risk and drainage could be conditioned. The Council's Environmental Officer had suggested a scheme of contamination investigation and it was considered that the proposed conditions would give sufficient protection in this case.

Members were reminded of the need to weigh the benefits against the adverse impacts on the tilted balance, as required by the National Planning Policy Framework (NPPF).

The scheme would provide four additional dwellings to the District's housing stock, there would be temporary economic benefits from the construction phase, and some biodiversity enhancement. However, the adverse impact was the significant harm which would be caused to the character of the area and visual amenity through the loss of trees which could not be mitigated via replacement planting in a similarly prominent location. As there would only be limited benefits from the four dwellings, it was considered that the harm outweighed the benefits and the application was therefore recommended for refusal.

At the invitation of the Chairman, Mr Nicholas Acklam, objector, addressed the Committee and made the following points:

- He was the Chairman of the Reach Neighbourhood Plan Project, and was speaking on behalf of the many objectors, which was about a quarter of the households in Reach;
- This would not be a good development because it would cause significant damage to the trees protected by TPO's;
- The loss of any of the trees would be a loss to the village, as they were widely visible and much loved. Limes were planted on all the accesses to the village, giving it a unique sense of identity;
- There was the conservation and ecology value. The trees were mature specimens and provided a bat rich environment, but construction would destroy three bat roosting habitats;
- There was no evidence of any further surveys having been done, as recommended by the initial survey;
- The development was bland and would destroy the historic centre of the village;
- It was overdevelopment and would have an oppressive impact and the junction would be dangerous;
- The village sewerage system was already at capacity;

- The proposal would bring no benefits and six houses had been built in the village in the last year.

At the invitation of the Chairman, Mr Philip Kratz, addressed the Committee on behalf of the applicant and made the following comments:

- This was a tilted balance exercise for a full application that was fully qualified;
- Only one tree was to be removed and the access had served the businesses for decades;
- The remaining trees would survive, and if not, they could be replaced under the Tree Preservation Order;
- The issue was one Lime tree versus new homes for the District. Members were obliged to approve the application unless there were clear reasons for refusal. Any adverse impacts had to be assessed against the policies in the NPPF;
- The proposal was within the development envelope and the Conservation Area and the Council's Conservation Officer had no problems with the scheme;
- With regard to residential amenity, backland development had always been acceptable as long as there was no overlooking;
- This whole issue was about the loss of one tree. There would be three very modest plots, with bespoke designed dwellings;
- Paragraph 68c of the NPPF stated that planning authorities should *'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes ...'*

The Chairman remarked that Plot 2 was not in compliance with the distance element of the Design Guide and Mr Kratz responded that this was guidance and the dwelling had been designed with a low ridge and eaves and the height would comply with good neighbourliness; he was of the opinion that it was compliant with the principles.

Councillor Goldsack noted that the Parish Council had very clear objections regarding discrepancies about the width of the road and he asked for an explanation. Mr Kratz replied that the Parish Council had made comments, but did not want them categorised; they wanted the 5 metres width for the entire length, but the County Council only wanted the 5 metre width for the first 10 metres.

At the invitation of the Chairman, Councillor David McMillan, Reach Parish Council, addressed the Committee and made the following points:

- This was an inappropriate application;

- The proposed access would have to go right from the trunk of the Lime trees and cover 50% of the root area. The tree to be removed would expose an important Elm tree;
- The access is outside the 30mph speed limit and there is no footpath;
- The scheme will increase parking on the Green;
- 10 additional refuse bins will need to be left close to the right hand bend on the road and people will have to take them more than 30 metres to reach the highway;
- The proposal would be intensification on the site, and stilts on a pool house were not appropriate for the Conservation Area;
- 4 cars would have to reverse out of the site;
- If approval was granted, the hours of construction should be limited. The proposal should respect the vernacular, as Reach was the home of clunch;
- In accordance with Circular 06/05 further bat surveys should be completed and in place before any works commenced.

At the invitation of the Chairman, Councillor Allen Alderson, Ward Member for The Swaffhams, addressed the Committee and made the following comments:

- His main concern was the effect on the Lime trees;
- The 'no dig' method of constructing an access drive had to be a ½ metre away from the trees and the roots must not be severed. Soil was not to be compacted and there should be no tracking of vehicles so that the oxygen was able to diffuse. Successful retention would depend on the health and vigour of the trees;
- He had previously been in favour of approval, but because of the conflict with vehicles, he could no longer support the application.

In response to a question from Councillor Rouse, the Planning Consultant said that a nearby application had been refused for the same reason relating to trees as well as a reason in relation to the built form and backland.

Councillor Rouse then asked if there was development inside the site and a fire broke out, would the emergency vehicles be able to reach the properties. The Planning Consultant replied that they would damage the trees but there were ways to mitigate this and that other fire suppression options were available, for example sprinklers.

The Chairman wished to know if the ecological aspects of the application had been carried out satisfactorily. The Planning Manager said that two further surveys were recommended as there were bats on the site;

the Chairman responded by saying that deferral could be considered if all else was sorted.

Councillor Goldsack asked where the ten additional refuse bins would be stored on site. The Planning Consultant replied that there were options to the front and rear of the site or a split between the two, but the recommended 'drag distances' would be exceeded and the occupants of the new dwellings would have to take their bins further. In terms of its impact on highway safety, it was the view of the Local Highways Authority that the storage of bins close to accesses happened a lot on other sites in the District and that people should be sensible.

Councillor Hunt said Reach was a beautiful village and lucky to have such articulate residents. He thanked the Planning Consultant for a good, comprehensive report and proposed that the Officer's recommendation for refusal be accepted.

The motion was seconded by Councillor Edwards.

Councillor Smith had concerns about the lack of a footpath in a 60mph zone, and Councillor Rouse thought that if it was only the loss of one tree, then there was a possibility of seven houses and the whole site to be developed. However, the access was not good enough to support the development and he would therefore support refusal of the application.

Councillor Goldsack said it was refreshing to see exemplar drawings, and very clever to convert the pool building, but he agreed with previous comments about the access, and on balance he would support the Officer's recommendation.

The Chairman also expressed his support for refusal, saying he always reiterated continuity and a consistent approach. He believed the proposal to be cramped and contrived and it did not comply with the Design Guide. He had very serious concerns that Highways considered the access arrangements to be 'adequate' on a national speed limit road.

The Committee returned to the motion for refusal, which when put to the vote was declared carried, there being 9 votes for and 1 abstention.

It was resolved:

That planning application reference 18/00905/FUL be REFUSED for the reason given in the Officer's report and for the following reasons:

- Members believe the scheme to be cramped, contrived and overdevelopment;
- They have serious concerns regarding the access arrangements and highway safety relating to the number of additional dwellings to be located on the site, particularly in terms of the siting of the refuse bins on collection days, the overhanging of the existing Lime trees and the narrowness of the access road/entrance; and
- There is a lack of information regarding ecology on the site as the requirement for 2 further bat surveys has not been completed.

The Chairman announced a comfort break at 4.12pm and Councillor Rouse left the Chamber at 4.20pm, having been called away to a family emergency.

The meeting reconvened at 4.25pm.

121. 18/01494/OUT – SITE WEST OF 137A THE BUTTS, SOHAM

Dan Smith, Planning Consultant presented a report (reference T195, previously circulated) which sought permission for the erection of two 1½ storey dwellings. The application was outline with access, layout, scale, appearance and landscaping being reserved for future consideration.

On a point of housekeeping, Members were asked to note a correction to paragraph 7.2.2, which stated that the Council had a 3.86 year supply of land for housing. The correct figure was now a 3.94 year supply.

The site was an area of paddock land fronting Cherrytree Lane and located to the west of an existing cluster of dwellings around the intersection of Cherrytree Lane and The Butts. It was not within the Conservation Area and there were no listed buildings close by that would be affected by the proposed development. The site was approximately 250 metres from the nearest extent of the established development envelope of Soham.

The application had been brought to Planning Committee at the request of Councillor Dan Schumann.

A number of illustrations were displayed at the meeting. They included a location plan, an aerial image, and an indicative layout of the proposal.

The main considerations in the determination of the application were:

- Principle of Development;
- Visual Impact and Character; and
- Highway Safety & Parking.

The Planning Consultant reiterated that the Council did not currently have a 5 year supply of land for housing, and therefore all planning applications for housing were to be considered on the basis of a presumption in favour of sustainable development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. With the site being located 250 metres outside the development envelope, it was contrary to adopted Policy GROWTH 2.

Members were shown photographs of the location and the Planning Consultant stated that in terms of visual amenity, it was considered to form an important visual transition between the settlement and the open countryside. The erection of housing would result in the loss of the transitional character of the site and create a hard edge to the cluster on the edge of the open countryside to the west. It was not considered that this harm could be mitigated by the landscaping of the site or constraints on the

scale, appearance or layout of the development at the reserved matters stage.

It was noted that as access was a reserved matter, the application only needed to demonstrate that access would be achievable. The indicative plan showed adequate visibility could be provided and there were no boundary treatments which restricted splays. The Local Highways Authority had no objection to the proposed development.

With regard to other matters, Members noted that ecology, flood risk and drainage, and archaeology could be conditioned. As the dwellings would not be particularly close to neighbouring properties, they would not cause any harm to residential amenity.

Speaking of the planning balance, the Planning Consultant said the scheme would provide two additional dwellings to the District's housing stock and temporary economic benefits from the construction phase. However, there would be significant harm to the character of the area and visual amenity through the loss of openness, loss of transitional character and residential development hard against the open countryside. It was considered that the harm outweighed the benefits and the application was therefore recommended for refusal.

At the invitation of the Chairman, Mr Anthony Smith, supporter, addressed the Committee and made the following remarks:

- He was here today to speak on behalf of Mr Robinson, who was unwell;
- There were two local families who wanted to self-build;
- The applicant recognized the importance of good design and the proposal was a sympathetic design. It could enhance and improve on the visual amenity of the location;
- There were a number of dwellings in the vicinity which had been approved and were approximately 250 metres from the settlement boundary;
- As with the existing cluster of dwellings, there was access to the services and facilities in Soham and so the location was sustainable;
- There had been no negative comments from the statutory consultees or residents;
- The Council was unable to demonstrate a 5 year supply of housing land and therefore NPPF rules applied. NPPF policy had already approved previous applications.

Responding to questions from Members, Mr Smith said the barn would be behind the development and form a backdrop. He would have one of the dwellings which would be on the edge of the residential area rather than in the countryside. It would mirror the application at the other end.

Councillor Goldsack commented that Mr Smith had highlighted the three successful applications, but not the unsuccessful one. The Chairman interjected to clarify that the sites granted permission were in proximity, but those refused were further to the west. The Planning Consultant added that distance was not a concern in respect of sustainable development and the site was considered sustainable.

Councillor Ambrose Smith thought that two self-build plots would be an 'absolute plus' and she had no problem with the proposal. It would be close to Soham and could be built to taste; she was minded to support approval of the application.

Councillor Austen made the point that the scheme was outside the development envelope and not intended for use in connection with agricultural activities. The Chairman reminded the Committee that an application further down the Lane had been approved under the old NPPF paragraph 55.

Councillor Goldsack recalled the Chairman's comment about being consistent. This site was on the edge of the built form and another application, some 30 – 40 yards further along, had been refused. It was time to draw a line.

The Chairman thought there was a fine balance as to where the countryside started. Officers felt that this was a natural end to development.

Councillor Beckett agreed, saying that there had to be a stop line. Councillor Smith believed that if the application was approved it would lead to more dwellings being built.

Councillor Hunt concurred, adding that the location was outside the 30mph limit, there were no lights and the presence of horses emphasised the open countryside. The Authority would be breaking its own rules if it granted approval.

It was proposed by Councillor Ambrose Smith and seconded by Councillor Cox that the Officer's recommendation for refusal be rejected and the application approved. When put to the vote, the motion was declared lost, there being 2 votes for and 7 against.

It was proposed by Councillor Hunt and seconded by Councillor Edwards that the Officer's recommendation for refusal be supported. When put to the vote the motion was declared carried, there being 7 votes for, 1 against and 1 vote against. Whereupon,

It was resolved:

That planning application reference 18/01494/OUT be REFUSED for the reason given in the Officer's report.

At this point Councillor Goldsack left the Council Chamber.

122. 18/01544/OUT – SITE OPPOSITE PERIVALE, BARCHAM ROAD, SOHAM

Richard Fitzjohn, Senior Planning Officer, presented a report (reference T196, previously circulated) which sought outline consent with all matters reserved apart from access.

The proposal would create a new access through part of an existing hedge on the north side of Barcham Road. An indicative layout of the proposed dwelling, garage and landscaping were shown on the submitted plan, but these details could not be assessed as part of this application.

The site was located north of Soham, with the northern edge of the development envelope being approximately 0.6 miles away. The closest part of the town centre boundary was around 1.9 miles away. The site was currently an open agricultural field with a ditch running along the south east boundary fronting Barcham Road. Dwellings and rural businesses were regularly spaced along the road in the vicinity of the site and two dwellings on the site adjacent to the proposal had been approved in March 2017.

The Committee noted that the application had been called in to Planning Committee by Councillor Carol Sennitt because it was outside the development framework; she also stated:

'The application has been amended from the previous application by changing the entrance and adding a corpse of trees for added privacy. We have had a lot of development down this road and feel that if it continues then the road will need to be widened. It is a one track road at present and once Barcham Trees have their new development the traffic will increase because I believe those who are local and coming from Soham will use the route through the middle of Barcham.'

A number of illustrations were displayed at the meeting, including a location plan, an aerial image, the layout of refused application 17/01281/OUT, and an indicative site plan of the current proposal.

The main considerations in the determination of the application were:

- Principle of development; and
- Visual impact.

The Senior Planning Officer reminded Members of the Council's current inability to demonstrate an adequate 5 year supply of land for housing. The presumption should therefore be in favour of sustainable development unless any adverse impacts of the scheme significantly and demonstrably outweighed the benefits.

Members were reminded that planning permission had been refused for a dwelling on this site in September 2017, with the first reason for refusal relating to the site being unsustainable for a dwelling. The current proposal was considered to be an unsustainable location for development for the same reason as the previous refusal.

Turning next to visual impact, the Senior Planning Officer stated that the siting of the proposed dwelling would adhere to a staggered pattern, with

no dwelling directly opposite it. As Barcham Road was characterised by dwellings at staggered intervals, it was now considered that the previous reason for refusal relating to the impact on the character of the area from the development of dwellings opposite each other had been overcome by the current proposal.

It was noted that the Local Highways Authority had no objections subject to conditions, and there had been no comments received from the Trees Officer. Residential amenity, contamination, drainage and ecology impacts were all considered to be acceptable.

The proposal would provide some modest benefits to the housing supply and construction trade. However, the location outside the development envelope and on a road with no footpaths was not considered to meet the social and environmental aspects of sustainability expected by the NPPF, nor was the dwelling proposed for special circumstances as outlined in paragraph 79 of the NPPF.

It was considered that the unsustainable location of the proposed dwelling would result in harm which would significantly and demonstrably outweigh the modest benefits, and the application was therefore recommended for refusal.

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

- Barcham was considered to be a hamlet of Soham;
- The proposed site was difficult to farm and it was opposite open space;
- A copse was to be planted and it would help to assimilate the scheme into the countryside;
- The only reason for refusal was sustainable location, yet 8 additional dwellings had been approved along Barcham Road;
- The NPPF said there were three objectives relating to sustainability: economic, social and environmental;
- Much of East Cambridgeshire depended on the use of a car. Anyone living in a rural area would appreciate that and not everyone wished to live in an urban environment;
- The average speed was 33mph on the road, there was a bus stop 0.4 miles away and a Marks & Spencer garage nearby. The Post Office delivered to the location;
- The Council was unable to demonstrate a 5 year supply of land for housing and therefore the presumption should be in favour of sustainable development;
- The Chairman had mentioned the need to be consistent, so the application should be approved.

Whilst congratulating Mr Fleet on his reasons for suggesting approval, Councillor Beckett felt that the location was open fields and granting permission would permit a bit more urban creep into the open countryside.

The Chairman said the difference between this and the previous application was built form continually dotted along Barcham Road.

Councillor Cox asked the Planning Manager about the rationale if the proposal had been for two bungalows and whether the Authority had a 5 year supply at the time of the previous refusal. She replied that she was sure there had not been a 5 year supply; this refusal was a repetition of the previous one, on the grounds of sustainability.

It was proposed by Councillor Beckett and seconded by Councillor Austen that the Officer's recommendation for refusal be supported. When put to the vote, the motion was declared carried, there being 5 votes for and 3 votes against.

It was resolved:

That planning application reference 18/01544/OUT be REFUSED for the reasons given in the Officer's report.

At this point, Councillor Goldsack returned to the Chamber.

123. 18/01572/OUT – 53 POUND LANE, ISLEHAM, CB7 5SF

Barbara Greengrass, Planning Team Leader, presented a report (reference T197, previously circulated) on behalf of the Case Officer which sought outline consent for the construction of two dwellings adjacent to the site of a recently permitted dwelling. Access and scale were to be considered, with all other matters to be considered at the reserved matters stage. The application had been submitted following refusal of an earlier application for three dwellings on this site.

The application site was located toward the north of Isleham in close proximity to the development envelope. It was currently vacant and enclosed by a well established hedge. Isleham had a mixture of dwelling types and designs near this location, which were generally set back a short distance from the public highway.

It was noted that the application had been called in to Planning Committee by Councillor Derrick Beckett.

A number of illustrations were displayed at the meeting. They included a map, an aerial image, the scale and access of the proposal, indicative elevations and two photographs of the street scene.

The main considerations in the determination of the application were:

- Principle of Development;
- Residential Amenity;

- Visual Amenity; and
- Highway matters.

Speaking of the principle of development, the Planning Officer reminded Members that the Council was currently unable to demonstrate an adequate 5 year supply of land for housing and applications should therefore be assessed in terms of the presumption in favour of sustainable development.

The application site was located in close proximity to the settlement boundary, and had access to the services and facilities in Isleham. The proposal would contribute to the local housing supply and would also be beneficial in the short term to the local economy through the construction stage.

Although the elevations and layout of the proposed dwellings were not formally considered as part of the application, the indicative drawings submitted showed that a suitable relationship between the dwellings could be achieved in order to prevent significantly detrimental impacts on neighbouring properties. The dwellings were modest in scale and could be positioned to ensure that habitable rooms did not overlook neighbouring property.

Speaking of visual amenity, the Planning Team Leader said the indicative layout showed that it was possible to limit the level of glazing to the road-facing elevations of the proposed dwellings, to retain a more rural appearance within the street scene. The scale was considered to be appropriate and the retention of the boundary hedging would help to assimilate the built form into its surroundings. The retention of this hedge could be secured by condition to prevent removal. Although the introduction of built form would create a change to the appearance of the settlement edge, the single storey scale of the plots indicated a stopping point of built form and provided a step down from the adjacent two storey dwellings.

It was noted that the applicant proposed to create a new driveway access off the public highway, which would be 5 metres wide for the first 10 metres. The proposal also included the provision of a footpath link to the existing footpath to the south. The County Highways Authority had been consulted and had stated that they had no objection in principal to the application. Conditions were recommended to ensure that the proposal did not create impacts on highway safety. The proposal provided sufficient parking spaces for the proposed dwellings, and therefore highways matters were considered to be acceptable.

The Planning Team Leader said that on balance, the principle of development at the site was considered to be acceptable. The proposal was not considered to create significantly harmful impacts on the residential amenity of nearby occupiers or on the visual character of the area. The application was therefore recommended for approval subject to the conditions set out in the report and with an additional condition regarding a footpath link.

At the invitation of the Chairman, Mr Philip Kratz, agent, addressed the Committee and made the following points:

- The Council was unable to demonstrate a 5 year supply of land for housing;
- The application had been amended and there were now only two dwellings. It would be a more linear development with a footpath link to the village;
- Permission already existed for built form and there was residential development on the southern part of the site;
- The hedging would mitigate the dwelling;
- The dwellings would only be 6 metres in height;
- The application was completely policy compliant and recommended for approval. It had come back to Committee to get approval by agreement rather than by appeal.

Councillor Rouse returned to the Chamber at 5.15pm. He said he would not participate in the vote as he had not been present for the whole of this item.

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

- Three dwellings were refused as they would have been a visual intrusion and overdevelopment of the site. The reduction to two dwellings will still cause a visual impact;
- The proposed footpath would still be hazardous as residents would need to cross the road with 60mph traffic;
- The scheme was ribbon development and not appropriate. There was already a stopping point to the village;
- The impact on neighbouring properties had not been taken into consideration as well as from other visual points/vistas in the village for walking. It would restrict their amenity and have a huge urbanising impact;
- The Parish Council wanted appropriate housing. They wanted to protect and maintain the green areas, footpaths and Drovers.

Speaking of the Little London Drove and Coates Drovers, Councillor Beckett asked Councillor Malkin whether the footpaths were well used. She replied that they were in constant use by at least 80 people each day.

Councillor Goldsack believed Mr Kratz to have made some good points but the issue was one of consistency. The Authority had already refused two applications because they had gone past the national speed limit. This was a significantly busy road used by large vehicles and he thought the end of the built form had been reached.

The Chairman said that he thought the location felt like open countryside.

Councillor Beckett pointed out that the area was covered by footpaths and he believed that previous comments regarding intrusion still stood. The development would be extremely visible and extend the built form beyond the village.

In proposing that the Officer's recommendation for approval be supported, Councillor Cox said he could see no problem with the application. There was creep in all towns and villages, and this was no different.

The motion was seconded by Councillor Ambrose Smith and when put to the vote, was declared lost, there being 3 votes for, 5 against and 1 abstention.

It was proposed by Councillor Beckett and seconded by Councillor Smith that the Officer's recommendation for approval be rejected and that the application be refused for the same reasons as the previous refusal due to the impact on the open countryside and an amended reason because whilst a footpath had been proposed there would be no safe access to the footpath due to its location.

When put to the vote, the motion was declared carried, there being 5 votes for and 4 against.

It was resolved:

That planning application reference 18/01572/OUT be REFUSED for the following reasons:

- Members believe the proposal to be an unacceptable extension of the built form into the open countryside; and
- There is no safe access to the footpath, as proposed.

124. 18/01575/FUL – SITE REAR OF 131 NORTH STREET, BURWELL

Andrew Phillips, Planning Team Leader, presented a report (reference T198, previously circulated) on behalf of the Case Officer, which sought consent for the erection of a dwelling on a plot to the rear of 131 North Street, Burwell.

The application followed a recent planning refusal for a similar scheme (17/02220/FUL, refused on 14th February 2018) and the reasons for that refusal remained.

The site was located to the north of the centre of the village, with open agricultural land beyond to the west and north. The western side of North Street was characterised by a linear pattern of development with occasional punctuations from agricultural tracks and Drovers.

The site comprised vacant grassland, the majority of which was outside the development envelope; the proposed access road lay within, and the proposed dwelling lay outside the envelope.

It was noted that the application had been brought to Planning Committee at the request of Councillor Brown who considered that the

location and details of the application warranted consideration by the Committee.

A number of illustrations were displayed at the meeting. They included a map, an aerial image, the layout and elevations of the proposal, and the floorplans.

The main considerations in the determination of the application were:

- Principle of Development;
- Visual Amenity;
- Residential Amenity;
- Highway Safety; and
- Other Matters.

The Planning Team Leader said that although the majority of the site was outside the development boundary, it was located in close proximity to the services and facilities on offer in the village and the wider transport links that were provided. The site was therefore considered to be in a relatively sustainable location for a single dwelling and Members noted that planning permission had been granted in close proximity for two sites with single dwellings.

With regard to visual amenity, the two storey detached dwelling would be located in the centre of a narrow plot and would be visible from the street. The proposal would result in an undesirable hardening of the edge between the built up extent of the village and the rural area. The spaces between the built form on the western side of the road offered a valuable contribution to the character of the western fringe of Burwell. If interrupted through contiguous built form, it would result in harm caused to the unique character of this fenland village.

The proposed development was not considered to result in detrimental harm to the residential amenity of the neighbouring dwellings and an acceptable distance was retained to these neighbours.

In terms of highway safety, it was noted that the proposed development would accommodate two parking spaces. The Local Highways Authority had no objections in principle to the scheme.

Speaking of the planning balance, the Planning Team Leader stated that the benefits of the proposal were outweighed by the significant and demonstrable harm that the introduction of a dwelling in this location would create. It would extend permanent built form into the countryside, harming the local landscape character and visual amenity in this sensitive location. The provision of a dwelling on this site would result in a harmful urbanising incursion into an open countryside setting and would be at odds with the predominantly linear character of built form along North Street.

At the invitation of the Chairman, Mrs April Bowles, applicant, addressed the Committee and made the following points:

- This application was for one self-build dwelling, and the full permission intended for her uncle, which covered some of the site for a 1 bedroom dwelling, should be taken into consideration;
- Her home and the one bedroom dwelling was too small for a growing family;
- The proposed house had been rotated and would replace the existing structure of the workshop;
- Feedback from neighbours and nearby residents should be taken into consideration, and the Parish Council had no objections;
- The proposal was not urbanisation as it would replace an existing structure. It would have no impact on the fields, it was within the 30mph zone and had paths and lights;
- It would protect the greenfield for years to come;
- In the last 18 months applications outside the development envelope had been approved, as had other applications which were well outside the envelope;
- The majority of this plot was within the development envelope;
- The housing shortage and lack of a 5 year supply of housing land are issues;
- She and her husband wanted to build a family home and hoped to protect and maintain the edge of the village.

In response to a number of questions from Members, the Planning Team Leader explained that the access to the site, garaging and parking lay within the development envelope, but the house was outside of it. The one bedroom bungalow was entirely within the site. The Planning Manager added that the existing bungalow to the front of the site was located outside the application site.

Councillor Goldsack declared himself to have been confused by visiting the site because he had no perspective of where the dwelling would sit. He felt that allowing the scheme could open up to further development; there was already permission for a smaller dwelling, so it had already started. The Planning Manager replied that the field would be sectioned off.

Councillor Rouse noted that there had been no objections from the Parish Council. He questioned whether one house in this location would have a harmful urbanising impact in the context of other buildings or a family home. He did not feel the proposal would be harmful or urban, and permission should be granted.

Councillor Cox said that if there was a clearly defined plot, then he would have no problem with it. Councillor Edwards noted that the objection from the occupants of No. 131a related to loss of privacy and light, as they had a small back garden.

In terms of setting a precedent, the Chairman thought that a line would be fair game for anyone wanting to develop behind No. 127. However, while he was supportive of a home for a family, he had concerns about the location.

It was proposed by Councillor Rouse and seconded by Councillor Ambrose Smith that the Officer's recommendation for refusal be rejected and the application be granted permission. When put to the vote, the motion was declared lost, there being 4 votes for, 5 against and 1 abstention.

Councillor Smith asked if Members should have regard for the Burwell Masterplan, but was advised that it was not a material consideration.

It was duly proposed by the Chairman and seconded by Councillor Hunt that the Officer's recommendation for refusal be supported. When put to the vote, the motion was declared carried, there being 5 votes for, 4 against and 1 abstention.

It was resolved:

That planning application reference 18/01575/FUL be REFUSED for the reasons given in the Officer's report.

125. CONFIRMATION OF TREE PRESERVATION ORDER E/06/18 – LAND AT 45 & 47, AND REAR OF 45 & 43 HIGH STREET CHEVELEY

Cathy White, Senior Trees Officer, presented a report (T199, previously circulated) from which Members were asked to confirm a Tree Preservation Order (TPO) for five trees on land at 45 and 47, and to the rear of 45 and 43 High Street, Cheveley.

Illustrations were displayed at the meeting which included a map indicating the location of the trees, an aerial image, and photographs of the trees.

It was noted that the matter was being referred to the Planning Committee due to objections received in the 28 days consultation period, which ended on 31st December 2018, and for the requirement to confirm the TPO within six months to ensure the trees were protected for public amenity.

Members were reminded that the key points for consideration were as follows:

- The opinions of the local residents who want the TPO confirmed on all five trees (Appendix 2 to the report);
- The objections to the TPO from the agent representing the owners (Appendix 1 to the report); and
- The amenity value of the five trees, and the visual impact of the loss of some or all of the five trees in the local landscape.

The Senior Trees Officer reminded the Committee that Appendix 3 contained a copy of the TPO E/06/18 document and Formal Notice, with the

minor amendments signed by the Planning Manager, and the ECDC TPO Assessment Sheet.

With regard to support for the TPO, it was noted that the five trees were visible to neighbouring residents who valued them for the habitat provided for wildlife and screening. As the site was starting to be cleared and the trees were not protected, residents requested a new TPO to protect the trees and stop their removal.

The TPO was served in a rush on 23rd November 2018 and this led to an amended TPO being served on 27th November 2018. The TPO had been sent to the correct address but not addressed to the owner of the land, but to the owner of the adjacent house who happened to have the same surname. Justification for the inclusion of several of the trees within the five trees listed in the TPO schedule was questioned, and they challenged the TPO notice on several of the trees.

The site was currently subject to a planning application, so the Council could secure additional trees for the site through a suitably worded planning condition should planning permission be granted.

Speaking of the reasons for serving the Order, the Senior Trees Officer said that several local residents had nominated the trees on the site to be assessed for protection by TPO. They felt there was a risk that they would be removed before planning application 18/01556/OUT was determined. Serving the Order would allow time for debate on the future of the trees, and give the Planning Case Officer time to weigh up the site's tree constraints along with all the planning factors of the proposed development.

The five trees were assessed on their amenity value (this being the only requirement needed in evaluating trees for the making of new TPO's). They were judged to have amenity value, as they made a visual impact and contribution to the local landscape in this location.

The Committee was therefore asked to consider and weigh up the local residents support for the TPO to be confirmed, and the owners' objections to the TPO. Members noted that the Council's Legal Manager considered the minor errors highlighted in the objections received were not of significance to require the TPO to be revoked and served again.

A democratic decision was sought on whether to confirm the TPO and support the protection of all five trees or only some of the five trees. The TPO status would not necessarily prevent planning permission to be granted on the site in the future that might require the removal of some or all of the TPO trees. However, the TPO would require owners to apply for the Council's permission to work on the trees and agree appropriate tree work specifications.

At the invitation of the Chairman, Ms Amy Richardson, agent, addressed the Committee on behalf of Mr and Mrs Crouchman (owners of the land on which the TPO had been served) and made the following points:

- The applicant was willing to have the Hornbeam and Birch trees protected;

- An outline application had been submitted for dwellings on the site and the application had been amended to reduce the number of dwellings;
- The applicant had sought pre-application advice from an Arboricultural Consultant. The trees identified as being dead, decaying or dying had been detailed in the application;
- Mr Crouchman had always been transparent and no works had been carried out on the 5 trees;
- The planning application proposed that 4 of the trees be retained and the Purple Cherry Plum be removed;
- The neighbour's concerns were understandable, but the Cherry Plum (T1) was more of a multi-stemmed shrub. The applicant was seeking its removal and would replant with more appropriate species. The Plum (T3) was of very little landscape value;
- Confirmation of the Order was unlikely to stop development and the TPO system should be used correctly;
- The Officer was under intense pressure from the Parish Council and residents. T1 and T3 were not worthy of retention and the other trees were not at risk of being cut down.

It was noted that Mr Crouchman was present to answer any questions from Members.

The Chairman asked if there was any evidence regarding the Officer being under pressure and Mr Crouchman replied that there was a long history to this. He had consulted Andrew Phillips, Planning Team Leader regarding pre-application advice and the trees on the east and north boundaries were identified as being worthy of retention. The focus was then switched to the other end of the site.

When the Arboricultural Report was received, Mr Crouchman's instruction was to retain the Hornbeam and the plans for development would be prepared around it.

The Chairman reiterated that the Authority's Officers made professional decisions, to which Ms Richardson replied that she felt there had been much pressure on the Officer. Some people would have removed the trees before submitting a planning application and comments had been made about trying to stop development.

The Senior Trees Officer said the pressure was requests from the neighbours. The Authority's role was to go and look at the trees and make a judgement and it did not help that amenity value was not defined; it was a matter of public perception. She followed through so that the matter could be brought to Committee for debate and Members could decide about the amenity value. She added that it had not been the Parish Council that had asked for the nomination.

In response to a comment from Councillor Ambrose Smith that the trees were in good health, the Senior Trees Officer reiterated that it was not

about health, but rather the visual impact of the trees. Maintenance and management was the owner's responsibility and a TPO would allow the Authority to condition replacements.

Councillor Rouse said a poor tree should not stop development. He liked the Hornbeam but could see no merit in T3 and even less in T1 and besides which, there was a whole row of fine trees opposite. He believed there was no value in keeping T1 or T3 and the Committee should confirm the TPO with modifications.

Councillor Goldsack believed that the Parish Council was trying to use the TPO as a means of encouragement not to move above 2% development.

Councillors Hunt and Ambrose Smith expressed their support for a modified TPO.

Councillor Beckett said he had concerns about the use of the word 'pressure'; the Order had been put on so that Members could discuss the matter.

The Chairman agreed with Councillor Goldsack's view that this was about controlling development and he said the application had to be judged on its merits. He duly proposed that the TPO be confirmed with modifications and the motion was seconded by Councillor Rouse. When put to the vote,

It was resolved unanimously:

That Tree Preservation Order E/06/18 be confirmed with modifications, omitting selected trees T1 Purple Cherry Plum and T3 Plum from the TPO Schedule.

126. PLANNING PERFORMANCE REPORT – DECEMBER 2018

The Planning Manager presented a report (T200, previously circulated) which summarised the planning performance figures for December 2018.

The Department had received a total of 166 applications during December 2018 which was a 3% increase on December 2017 (162) and a 14% decrease from November 2018 (194).

There had been an influx of applications, but Officers were hitting their targets and validating within 10 working days. Highlighting the improvement for the figures for DIS/NMA in December, the Planning Manager said that 83% had been determined on time.

With regard to staffing, Members noted that the Support Team was two people down (following the dismissal of one member of the team) but a new member of staff would be taking up post in the coming week and the other position had been offered. There remained a Senior Planning Officer and Planning Assistant vacancy, and interviews were to be held for the Planning Assistant post.

The Planning Inspectorate was batching appeals. This gave local authorities 5 working days in which to answer questionnaires and upload documents. It was a nationwide problem, causing a massive impact on Officers and developers and Member support might need to be sought in order to try and address the issue. The Chairman said that Members would be happy to sign any letter and he thanked Officers for their hard work.

Councillor Hunt noted that the batched appeals did not appear in the Planning Manager's report. She replied that the report listed those appeals which had been submitted but the department waited for the start letter before notifying everyone. All the current appeals were listed on the board outside her office.

Councillor Ambrose Smith asked if people were being advised about batching. The Planning Manager said it was already known amongst agents, but Members were free to speak of it.

It was resolved:

That the Planning Performance Report for December 2018 be noted.

The meeting closed at 6.35pm.