

Minutes of a meeting of the Planning Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday 6th August 2014 at 2:00pm

PRESENT

Councillor Joshua Schumann (Chairman)
Councillor David Ambrose Smith
Councillor Sue Austen (as Substitute for Councillor Jeremy Friend-Smith)
Councillor Derrick Beckett
Councillor David Brown
Councillor Lavinia Edwards
Councillor Bill Hunt (as Substitute for Councillor Lis Every)
Councillor Mike Rouse
Councillor Robert Stevens
Councillor Gareth Wilson

OTHERS PRESENT

Maggie Camp - Senior Legal Assistant
Oliver Cook - Development & Enabling Officer
Penny Mills – Senior Planning Officer
Rebecca Saunt – Senior Planning Officer
Adrian Scaites-Stokes – Democratic Services Officer
Andy Smith – Senior Enforcement Officer
Sarah Steed – Senior Legal Assistant
Sue Wheatley - Principal Development Management Officer
Cathy White – Senior Trees Officer
Members of the Press & Public - 26

24. **APOLOGIES AND SUBSTITUTIONS**

Apologies were received from Councillors Lis Every and Jeremy Friend-Smith. Councillors Bill Hunt and Sue Austen substituted for those Members for this meeting.

25. **DECLARATIONS OF INTEREST**

Councillor Bill Hunt declared that he had previously expressed an opinion on agenda item numbers 5 and 6 and therefore declared an interest. He would not take part in the debate but reserved the right to speak.

Senior Legal Assistant, Sarah Steed, declared an interest in agenda item number 6, as she lived near the proposed development site. She would stand down as legal adviser to the Committee for that item.

26. **MINUTES**

It was resolved:

That the minutes of the meetings held on 2nd July 2014 and 16th July 2014 be confirmed as correct records and be signed by the Chairman.

27. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman explained to the public that only those people who had registered to speak by 5pm the previous day would be allowed to speak at the meeting and no other speakers would be allowed.

28. **14/00130/OUM – LAND SOUTH OF 18 WILBURTON ROAD, HADDENHAM**

The Committee considered a report, reference P57 previously circulated, which set out details of the outline application for up to 100 residential dwellings, the applicant's case, the site and its environment, the planning history and relevant factors and policies.

Senior Planning Officer Penny Mills reminded the Committee that all matters were reserved except access. The site was outside the designated development envelope and formed part of the ridge between Haddenham and Wilburton. The outline application gave an illustrative plan only, therefore the Committee would be considering only the principle of development on this site.

In normal circumstances the Council would have policies in place to judge the application against. However, following the interim report published by the Planning Inspector stating the Council had a shortfall in housing provision, the Council's housing policies were not considered up-to-date. The National Planning Policy Framework made it clear that the Committee could not therefore consider those policies. As a result there was a presumption in favour of development and Local Authorities should grant schemes unless the adverse impacts would significantly and demonstrably outweigh the benefits. Although the housing policies could not be used, the other policies were still valid so the Committee could use those to weigh up the adverse impacts against the benefits.

The scheme benefits included helping address the shortfall in housing, would bolster the local economy and provide some affordable housing. The potential impacts related to sustainability, the visual amenity, Highways issues and residential amenity.

Haddenham was not a part of the key areas for development, although it did have some allocations for moderate cumulative growth. This application was not a cumulative approach and the community facilities would not be able to meet the needs of the development. This would lead to more out commuting, which would be unsustainable. The site was important for the setting of the village due to its location and the development would have a significant adverse impact on the visual amenity and this setting. Insufficient work had been done

on the archaeology of this site, so there was not enough information to decide what the impact would be. The Highways department were satisfied with the access, subject to relevant conditions. The wildlife habitats had been assessed and there could be some adverse impact, though this could be mitigated for. Although the site wrapped around some existing dwellings there was scope to address any residential amenity issues.

Balancing the benefits against the adverse impacts it was recommended that the application be refused.

At this point in the meeting Councillor Bill Hunt moved to a seat in the public gallery.

The Chairman invited Mr Andrew Hodgson, of Savills the agents, to address the Committee. Mr Hodgson fully supported the officer's approach but thought the benefits outweighed the impact. The site was in a sustainable location within Haddenham, a key service centre. The village had services so it could accommodate some growth. The other housing allocations in the village should not be taken into consideration, as the Council's housing policies could not be considered. The landscape was not protected and was away from the Conservation Area. There had been no technical objections to the setting of the site except for archaeology and drainage. Archaeology work would be undertaken, if the application was agreed, though the field was currently growing wheat. There was not enough capacity for waste water for the whole scheme but enough for around 60 dwellings, so 100 may not be built.

Councillor Gareth Wilson noted that the clients were very successful at finding loopholes to get planning permissions and wanted to know if they had built on any of their 38 sites. Mr Hodgson did not think this was a loophole as it was clear that lots of Local Authorities had to have a 5-year supply of housing.

Councillor David Brown wondered how the Committee could tell whether the development would be sustainable as the application did not give details. Mr Hodgson referred to a sustainability assessment and commented that as Haddenham was a key service centre the proposal was sustainable.

Councillor Robert Stevens stated that the Council was trying to deliver sustainable development and small areas had been allocated in Haddenham commensurate with the village size. The key thing was to provide areas for employment as well. So why was this site only for housing? Mr Hodgson stated that the clients only dealt with housing and the location was in scale and was sustainable.

Councillor Derrick Beckett was concerned about the access road which would lead to a dangerous junction, so why had a roundabout not been included? Mr Hodgson reminded the Committee that the access road had been agreed with the County Council and it was expected to be safe.

The Chairman invited Councillor David Lyon, Chairman of Haddenham Parish Council, to address the Committee. He stated that this application would affect a lot of people in Haddenham, so the Parish Council was against this significant

proposal. The development should have no significant impact or adverse affect on the village, but it would. Growth within the village was limited due to services, such as sewerage, and there were no facilities in place or capacity in the school. It would provide no benefits but considerable mis-benefits. There was limited employment in the village so people would have to travel out of the village for work, and this was unsustainable. The proposed entrance to the site was dangerous, as there had been many accidents at this location, not all of which were included in official records. The application contravened the Village Vision agreed with the District Council, which showed where the village wanted development. The view of the local residents should be taken into account.

The Chairman invited Councillor Pauline Wilson, a local Ward Member, to address the Committee. Councillor Wilson had called this application in and stated that Gladmans were wrong in their declaration that the school would have space to accommodate the people from the development, but this was not true, as it already had a portacabin. The doctor's surgery was short of doctors, so how would it cope? The application site was outside the village envelope and the village would not cope with an additional 100 homes, so the application should be refused.

Councillor Bill Hunt addressed the Committee and said that he, as a Ward Member, had already objected to this application, as had the Parish Council. Clearly the application would destroy the beautiful view from the ridge and the sheer scale of it was outrageous. Haddenham would welcome small scale or in-fill development but not this. The access to the site would be dangerous and 200 extra cars would use it. The County Council had recently undertaken some work on the junction and at peak times the road became blocked. There were few jobs in Haddenham so people travelled to Ely or Cambridge, therefore the application was not sustainable. There was very little support for it and it had practical difficulties. The school and the doctor's would not be able to cope with the resultant increased demand, and the nearest secondary school was 5km away. It was highly likely that there would be archaeological remains in the site and a survey for this should be done before giving any permission. It was not a sustainable application and it should be refused.

Councillor Derrick Beckett asked whether passing this application would alleviate the concerns of the Planning Inspector over the shortage of housing. The Senior Planning Officer replied that it would help with the numbers, if approved, but the Council's Forward Planning team was already looking at other allocations to address that.

Councillor Gareth Wilson thought Gladmans were using a loophole to get what they wanted. The purpose of the Act was to encourage localism. The applicants did not build on the land, only purchased it and sold it on to developers. This was completely unacceptable. The Council had to follow strict rules and regulations which restricted the Planning Committee's options. The proposed access was onto a narrow road which would be too close to the junction, which had many accidents. The County and Parish Councils were working to improve the road safety there, though it needed a roundabout. He agreed with the recommendation to refuse but thought that the Committee ought to overrule the Highways office views.

Councillor Tom Hunt supported the view about the highway, as potentially there would be 200 new vehicles using it. It was very uncomfortable to say that the school could cope when clearly this was not the case. The development would be out-of-scale for the village. There were also deep concerns about lack of employment, making the development unsustainable. He supported the call for rejecting the application and thought the Committee should go with the officer's recommendation.

The Chairman reminded the Members that it would not be appropriate to state concerns about the highways issues, as the Committee should not overrule the Highways department.

Councillor Mike Rouse considered the officer's report very balanced. Haddenham was a key service area and although the view was very nice it had housing alongside it. The issues about the school were more persuasive and the concerns expressed about local employment. Therefore he supported the refusal of the application.

Councillor Derrick Beckett found the reasons given for refusal difficult to accept, as they were not persuasive in themselves. He understood the stance of the Parish Council but the issues raised could be addressed. Sustainability was driven by increasing the number of people and infrastructure always caught up afterwards. The problems with the junction could be dealt with by including a roundabout.

The Chairman again reminded the Committee that Highways had not raised any objections and this Council could be at risk and challenged if it attempted to put a condition on relating to highway matters. The Committee needed to stick to planning reasons.

Councillor Gareth Wilson proposed that the application be refused for the reasons as detailed in the officer's report plus the inappropriate demolishing of an existing dwelling to enable an unsuitable access onto the road to be built and no plans to build a roundabout at the junction for road safety.

The Principal Development Management Officer cautioned the Committee going against the Highways opinion because, if the application went to Appeal, officers would have to substantiate the reason, which would be difficult to do against the experts. This could lead to the Council being liable for costs.

Councillor Tom Hunt was confident that the reasons within the report were sufficient and therefore proposed that the application be refused for those reasons. This proposal was duly seconded by Councillor Mike Rouse and when put to the vote was declared tied. The Chairman used his casting vote to vote for refusing the application on that basis.

It was resolved:

That application 14/00130/OUM be REFUSED for the reasons as detailed in the Officer's report.

Senior Legal Assistant Sarah Steed moved to the public seating area for the following item.

29. **14/00248/OUM – LAND NORTH OF FIELD END, WITCHFORD**

The Committee considered a report, reference P58 previously circulated, which set out details of the application for up to 128 residential dwellings, the applicant's case, the site and its environment, the planning history and relevant factors and policies.

Senior Planning Officer Penny Mills reminded the Committee that this was also an outline planning application with all matters reserved except access. An illustrative Masterplan, showing an outline only, had been provided. Referring to her previous presentation she highlighted the presumption in favour of sustainable development and that the Committee had to consider whether the adverse affects would significantly and demonstrably outweigh the benefits. The Council's housing policies could not be used, as explained previously.

The Council's settlement strategy had indicated that the main focus would be on the market towns, but Witchford did not fit this category. However, it was close to Ely with good links, so sustainability had to be looked at but not in isolation. Employment was nearby, also being well connected to key areas. Therefore, in this case, the balance was different to the previous case as this application would be more sustainable.

Over 100 dwellings would have an impact on the schools, which were close to capacity. This could be mitigated through a Section 106 agreement for a school expansion. This could be delegated to officers to negotiate. Although the development would be close to the A142, visual amenity would be alleviated by screening to the road. The adverse effects on residential amenity would be ameliorated by using gardens and open spaces as buffers. An in-depth assessment of noise levels from the A142 would be needed. Highways were satisfied about the access to the site and had not objected. The waste water capacity and flood risk would be addressed via suitable conditions. There would be time to remove the crops and undertake archaeological work. The site supported common habitats and species which would not be adversely affected.

Weighing all the benefits and effects, as the site was more sustainable due to its links to Ely and employment sites, it was recommended to delegate approval to the Principal Development Management Officer subject to further work.

The Chairman invited Ms Lesley Tremlett, a resident, to address the Committee. She stated that the village had an excellent school but this was already nearly full and this substantial development would affect it. The village did not have sufficient amenities, particularly no doctors or good bus services, or retail facilities. This would result in the new occupants using their own transportation to access these. Victoria Road and Field End would not be suitable for an additional 200 cars. Any affordable houses on the site would not

necessarily benefit Witchford people. This development would significantly increase the population of the village, by 10%, but there was a lack of facilities to cope.

Councillor Gareth Wilson asked whether people would be happy to exit onto the A142 or whether they would be scared and what would help. Ms Tremlett stated that it was extremely difficult to turn onto the A142 and a roundabout would help.

The Chairman invited Mr Andrew Hodgson, of Savills the agents, to address the Committee. He had nothing to add to, and fully endorsed, the officer's report except to say that the application was for an extremely sustainable site.

Councillor Gareth Wilson reminded the Committee that the Planning Inspector had recognised that the Council would be 320 houses short in its Plan. The main reason seems to be that the Inspector was not confident the Council could meet its own targets. Could the Committee be given a guarantee that the houses proposed for this site would be built within 5 years. Mr Hodgson said that it was difficult to get houses built but this site should provide 100.

The Chairman invited Mrs Hodges, Parish Clerk of Witchford Parish Council, to address the Committee. She had been invited to attend by the Parish Council Chairman on behalf of the Parish Council. The Parish Council had considered the application at its meetings on 5th February 2014 and 8th April 2014. The February meeting noted that the application was for a site outside the development envelope. It agreed that affordable housing was needed but this site was not appropriate. It would impact on local amenities, could set a precedent and was deemed unacceptable due to its scale, the detrimental impact it would have and its location outside the development envelope. At the April meeting the Parish Council resolved to object to the application, as it would only support developments within the development or affordable housing on exception sites.

The Chairman invited Councillor Pauline Wilson, a local Ward Member, to address the Committee. Councillor Wilson made the following statement:

I called in this planning application to the planning committee because these houses would be outside the village envelope and should be refused. I understand now that the Government Inspector has said that we can build outside the village envelope until we get our 320 houses that East Cambs is short of. But why should Witchford, which has already increased by 70% in population be increased by another 21% population. Lack of 320 houses over the next five years should not just be put into Haddenham Ward.

If Gladmans appeal, and we have an extra 100 houses in Haddenham plus 128 in Witchford totalling 228 this leaves only 92 for the rest of East Cambs over the next five years to find. It doesn't seem to me like a fair share of the housing shortage.

Witchford village has one small shop, which is a Post Office, and a Chinese take-away, there is no Doctors Surgery and the School and College are full to capacity.

The exit from this site is out onto Field End, then turn left into Common Road, leading up to the junction of the A142. This road is already very busy and there have been numerous accidents along it due to the sheer volume and speed that the vehicles are travelling at. These extra houses could put approximately an extra 250 cars turning right out onto the A142 which surely would be an accident waiting to happen. It just is not safe to have more vehicles turning right along this stretch of the A142.

Most people in Haddenham never turn right at the Witcham Toll, they go across Grunty Fen and come out at the Lancaster Way roundabout because it is a difficult trying to turn right at the junction and not safe without a roundabout. If this application was Approved there will need to be a roundabout where Common Road comes to the A142.

Villages can cope with a few extra houses perhaps 10 to 20, but 128 houses is ridiculous as we do not have the infrastructure for such a large housing development.

Also the Council would be putting itself at serious risk of future prosecution if it allowed the Witchford site to proceed. The reasons for this is based upon the site's proximity to the A142. That piece of land was left as a 'green' lung between this very busy and growing busier trunk route and the village. When the Ely by-pass is completed, by whichever route, the traffic, especially Heavy Goods Vehicles on that route will increase significantly.

The A142 is the source of two major health issues, noise and particulates.

Noise Pollution

Regarding noise, the developer recognises this is an issue and has tried to wheedle round it by saying they will design the layout so that some badly affected houses will protect the others and the badly affected ones will be given extra insulation and have to keep their windows shut. This is not good enough. Now that PPG24 has been withdrawn, homeowners will be able to use other accepted standards to demand compensation for noise-induced ill-health. Principally these will be the WHO guidelines: Part of the WHO guidelines states at night, sleep disturbance is the main consideration and available data suggest a bedroom noise limit of 35 dB(A) Leq. Not 50dB as stated in the papers at 9.34.

This is consistent with speech communication requirements. At night, a lower level is desirable to meet sleep criteria; depending upon local housing conditions and other factors this would be in the order of 30 dB indoors with the windows open. It can be considered a health-based guideline, necessary to protect the public, including most of the vulnerable groups such as children, the chronically ill and the elderly, from the adverse health effects of night noise.

So, if the development proceeds, the District Council will put itself at high risk of prosecution for not protecting citizens in accordance with the WHO guidelines as previously implemented by PPG24 and the County will be at risk of having to incur future cost to protect citizens from traffic noise in accordance with The Environmental Noise (England) Regulations.

Particulates Pollution is another Health Issue.

In the surrounding villages we have a HCV Group, they took air samples last summer in several fen villages. This year we managed to raise the funds to have some of these samples particle-sized. They were only 'snapshot' samples and not designed to be compliant with recognised long term sampling techniques. Nevertheless, the results appeared very concerning and we have sought further advice, from Kings College Univ. of London.

The results we have from our village situations show very high levels of less than 10micron particles and less than 2.5micron particles. (The smaller the number the more harmful). The EU has told member states in the Air Quality Directive that there is no safe limit for airborne particles less than 2.5micron in size and yet we have collected samples in the villages where the airborne concentration is very high.

Although our villages suffer from heavier traffic flows than they should, particularly HCV traffic at night, those flows will be nothing like the traffic flows on the A142. Yet, the developer has not been required to carry out any particulates monitoring at a site where housing will be placed just a stones throw away from the A142.

I believe the District Council could be putting the County Council in potential breach of its public health responsibilities if it allowed this development to proceed without monitoring particulate levels at the boundaries of the site.

This last point is based upon the fact that responsibility for public health in the County has now been transferred from the local NHS to the County Council under the NHS re-organisation.

I recommend that before the Witchford application proceeds, the District Council should consult on these issues with the Director of Public Health.

In Conclusion

I would ask the planning committee to refuse this application on the grounds of all of the above, and if they cannot, to put in place a conditions to keep the green lung space and request that the particulates are checked before one single house is built.

Also because of our affordable housing shortage and the fact that this site should have been all affordable housing a much higher percentage of affordable houses should be requested.

Thank You

The Chairman asked the Principal Development Management officer to read out a statement submitted by local Ward Member Councillor Ian Allen. It stated:

Apologies for not attending committee in person but a holiday booking prevented me from doing so.

As local member and a member of the Parish Council I have taken a keen interest in this development proposal, and also in the context of District Council housing supply figures.

It seems likely that officers will recommend approval on what is an unallocated greenfield site. Refusal would lead the District Council to lose a subsequent appeal and thus face costs. I would like to put down some thoughts on what led to this and some bullet points on issues specific to this application.

The Coalition government, bound together on promises of localism and big society, promised local control over planning decisions rather than the supposedly undemocratic 'top down' spatial strategy mechanism. ECDC thrilled with this prospect embarked on a Village Vision process, enabling local communities to set their own parameters for growth (or not). Meanwhile the government which probably never supported localism except as a theoretical and electorally prudent theory had other ideas. Developers were offered the National Planning Policy Framework with the spurious clause offering a 'presumption in favour of sustainable development'. This is allowing developers nationwide, and critically here in Witchford, to run roughshod over local wishes, only recently expressed in Village Visions. The hollow promises of the Coalition nationally and locally are coming home to roost in applications like this one.

I have four suggestions for 106/CIL or planning conditions should this application be passed.

Gladman in their initial 'public consultation' promised 30% affordable housing on this site, the land was purchased relatively cheaply and there should be no dilution in this commitment on viability grounds. There will be capacity issues at the catchment area schools and this must be addressed.

The road junction at the A142 has a history of collisions including fatal accidents and improvements and/or speed restrictions must be funded. If sustainable development is to mean anything then the cycle link to Ely must be made more convenient and safe, with particular reference to the roundabouts at Lancaster way and A10 junction.

I hope that the local County Councillor will support me in ensuring that the infrastructure deficits worsened by this development and encouraged by his government are fully addressed by planning obligations or conditions, and

that the promises made by the developer over affordable housing are fulfilled.

Councillor Bill Hunt addressed the Committee and said that twenty years ago lots of houses had been built between the High Street and the by-pass with a green barrier between them and the A142. Now the plan was to fill in this land to the by-pass making the access road potentially into a race track. Local people should be listened to, as only 5.8% of them wanted developments of more than 20 houses.

The Council was thinking about house building in Ely and this together with the Ely by-pass and more train services would equal more traffic on the A142, generating more noise. Traffic would go across Grunty Fen and Wilburton would become clogged up. The junction at the A142 would become more dangerous.

People should not have to buy houses in this area. The location would not be sustainable. This application should be rejected.

Councillor Derrick Beckett queried the lack of reference to affordable housing, whether a condition could be applied for 30% of such housing so whoever bought the land would have to supply this and why 5% of the housing was expected to be custom or self built. The Senior Planning Officer replied that custom or self built was part of the emerging Local Plan. Affordable housing provision would be part of the Section 106 agreement. The 30% level of provision would be negotiated within that agreement and would have to be tested against viability criteria. If this was put in as a definite figure it could be challenged at this stage.

Councillor Robert Stevens asked what the total number of houses out of the 320 shortfall would be expected from the villages? Presumably this would be in proportion. The consultation with the County Council had to take into account the traffic engineers' views but it had not made any comment about education. Although health issues over noise and contaminated land had been mentioned, there was nothing about air quality. The Senior Planning Officer revealed that the Planning Inspector had pointed out the shortfall but had given no indication where the shortfall in houses should be found. Forward Planning were undertaking work on this issue. The County Council was consulted and the relevant officer for education was contacted directly. It was indicated that the school had 315 places, 300 of which had been filled. The development would impact on this so this would be dealt with through a Section 105 agreement. If the application were approved then discussions would be held with the County Council on the contribution they would want. As part of the usual consultations Environmental Health had been consulted on the health issues and they were satisfied in principle that there were no issues.

Councillor David Ambrose Smith, in referring to the statement from Mrs Hodges, thought the Parish Council's view had been severely understated in the officer's report. Were the Parish Council given enough time to fully express their thoughts? The Senior Planning Officer responded by saying the full comments were available for viewing via the planning portal. The comments of

the Parish Council referred to the proposed scheme so they would not be re-consulted on a change of strategy.

Councillor Gareth Wilson noted that the Parish Council and residents had been fairly sure that this application would have been turned down. Now there was a substantial difference from two weeks ago. The real problem was that this Council had been forced to accept the changes, which meant all the Village Vision consultations had to be thrown out.

Councillor Joshua Schumann reassured the Committee that every opportunity had been taken by the Planning Office to contact people. It was up to the consultees to make their comments.

Councillor Tom Hunt noted the 320 house shortfall and was worried that if this application was refused then it would go to appeal and the Council would lose. The highways issue with the A142 was extremely significant, particularly the narrowness of the road which caused congestion, so the view of the Highways department was wrong. The application was disproportionate and it was disappointing that the Education department had not replied. It was therefore difficult to support the officer's recommendation.

Councillor Robert Stevens thought this application was more sustainable than the previous one considered at the meeting. It was near employment areas and Ely, and had a college and school, but it ought to be the subject of a Masterplan similar to the one introduced for Bottisham. The problem for Witchford was that it had not had any additional land allocated for future development, which mean it was left wide open for this sort of application. There were serious concerns about the development envelope, the impact on the road, noise issues and pollution. So some parts of the application were sustainable but some not.

Councillor Mike Rouse reminded the Committee that the Council was under pressure to build homes. Normally this application would be considered as an exception site but not for this number of houses. If the village accepted this application then it might generate more infrastructure. In supporting the local Members' observations it was hoped that their concerns could be covered by suitable conditions, particularly relating to the road junctions and cycle links. This was a difficult application to decide but on balance the officer's recommendations should be agreed.

Councillor Gareth Wilson could not see why the Committee could not be more strict with a condition to ensure 30% affordable housing on this site. This was something the developers could provide. A further condition relating to health issues should also be put in before the Section 106 agreement was sorted out. The A142 junction was very dangerous and there should be a roundabout at the Common Road/A142 junction. A cycleway all the way to Ely was needed, particularly for the additional 250 people from the new development. These should also be part of the Section 106 agreement. It was extremely important that the Planning Committee approve any finalised agreement, so the Section 106 should be agreed at a later date by the Committee. However, he would be voting against this application.

The Chairman asked Mr Hodgson whether the developers would agree to 30% affordable housing on this site. Mr Hodgson agreed this would be possible, subject to a viability assessment.

Councillor Mike Rouse then proposed that the officer's recommendations with the inclusion of a 30% affordable housing provision condition and that the Section 106 agreement be brought back to Committee be agreed. This was duly seconded and when put to the vote declared lost.

Councillor David Ambrose Smith thought that the application should be refused. There then followed some discussion on the reasons for refusal and eventually the following reasons were agreed: air quality, archaeology, school capacity, noise pollution and highways safety. Councillor Gareth Wilson then proposed that the application be refused for the reasons as stated. This was duly seconded and when put to the vote declared carried.

It was resolved:

That application 14/00248/OUM be REFUSED for the following reasons:

- Adverse impact on air quality;
- Insufficient archaeology information;
- Insufficient capacity at the village school;
- Adverse impact on residential amenity through noise pollution;
- Insufficient Highways safety to deal with the expected increase in traffic levels.

The meeting adjourned at this point, 4:26pm.

The meeting reconvened at 4:36pm.

Councillor Bill Hunt returned to his seat.

Senior Legal Assistant Sarah Steed returned to her seat.

30. **14/00264/FUL – LAND TO NORTH OF 23 THE OAKS, SOHAM**

The Committee considered a report, reference P59 previously circulated, which set out details of the application for the erection of four detached dwellings, the applicant's case, the site and its environment, the planning history and relevant factors and policies.

Principal Development Management Officer Sue Wheatley reminded the Committee of the previous application for this site, which had been granted on appeal. The application before the Committee was an amendment to that scheme. The amendments related to the position of some of the houses, which were now to be nearer the existing trees' root protection areas.

An addition to Condition 5 was tabled at the meeting, it read: "With addition to include – provide an updated scaled plan of drawing Ne. 03 Job 744 dated February 2014 with the correctly plotted tree root protection areas for trees T10 – T16; request specific details of the arboricultural supervision with contact details; that the planning work specified in the Arb. Report of 11/06/14 in

Appendix 1 for oak trees T10, T11 and T13 is agreed with the Council's Senior Trees Officer before it is done, to agree the number of branches to be reduced in length on each tree; to carry out further investigation of the % trees roots in the root protection areas of trees T10 – T16, by exploratory hand-dug trial pits at selected locations on Plots 1, 2 & 3 on the development site and provide information on results found."

It was recommended that the application be granted.

The Chairman invited Mr Steve Connell, of GC Planning Partnership, to address the Committee. Mr Connell reiterated that the application was for four units with access to the site via The Oaks. The concerns of the residents were appreciated and it was hoped that they could work with the locals. They were more than happy with the revised conditions and would abide by the guidelines given.

The Principal Development Management Officer advised the Committee that, due to regulation changes, there was now no allowance for affordable housing on this site as the thresholds had been changed.

Councillor Bill Hunt asked where the map provided had come from as it was wrong. The Committee was informed that it had been provided by the applicant and because of its inaccuracy the revised Condition 5 was recommended.

The Senior Trees Officer stated this had caused some concern, hence the recommendation to do an assessment of the tree roots. This would provide the necessary information to protect the trees.

Councillor Derrick Beckett queried whether a condition could be included to allow waste collection vehicles to access the site. Would there be indemnity for claims against damage caused by those vehicles? The Chairman thought this would be an unreasonable condition as the access road was unadopted. The Principal Development Management Officer did not think the Council could require the road to be adopted. Any claims would be between the residents and the waste collection service providers. Councillor Gareth Wilson pointed out that the map stated 'adoptable road service', so it could be expected to be adoptable.

Councillor Derrick Beckett proposed that the application be approved, subject to the revised Condition 5 tabled at the meeting. This was duly seconded and agreed.

It was resolved:

That application 14/00264/FUL be GRANTED subject to the conditions as detailed in the officer's report and revisions to Condition 5 as tabled.

31. **14/00533/OUT – LAND AT AND REAR OF 19 TOYSE LANE, BURWELL**

The Committee considered a report, reference P60 previously circulated, which set out details of the application for demolition of a bungalow and erection of 5

no. bungalows, the applicant's case, the site and its environment, the planning history and relevant factors and policies.

Senior Planning Officer Rebecca Saunt stated that the site was outside the development envelope and only an indicative layout had been provided, as the application was outline with all matters apart from access reserved. Similar development had taken place at the other end of Toyse Lane. There were no highways issues. 40% affordable housing was the policy requirement, subject to viability being assessed. Comments were still awaited from the District Valuers in relation to the viability of the site. A revised recommendation was therefore tabled in light of this.

The Chairman invited Ms Jennifer Millard, of Cheffins, to address the Committee. Ms Millard reminded the Committee that the application was for a small scale development and was for some new bungalows targeted for the elderly. They would be in a discrete location and the scheme would be similar to others seen in Toyse Lane. It was sustainable due to Burwell being a key service area and there was a bus stop nearby. The bungalows would also be built by a local builder.

Councillor Robert Stevens was concerned about waste collections and was informed the waste bins would have to be taken up to Toyse Lane for collection. Councillor Gareth Wilson thought, in that case, a designated area for the bins should be provided.

Councillor Mike Rouse had no objections to this scheme but forewarned that this could lead to more similar schemes along Toyse Lane in the future.

Councillor David Brown noted it was outside the development envelope. The Council had undertaken a good level of public engagement to judge what the local people wanted. They had opted for 350 houses in Newmarket Road. Nowhere in that consultation was this area referred to. This application would only have a narrow access all the way down. He queried how this proposal could be described as sustainable. He therefore proposed that the application be refused on grounds of unsustainability, cumulative impact and refuse collection issues. This was duly seconded and when put to the vote declared lost.

Councillor David Ambrose Smith was concerned about agreeing reserved matters and asked that this be brought back to the Committee. Councillor Derrick Beckett therefore proposed agreement of the officer's recommendations together with Councillor Ambrose Smith's request. This was duly seconded and on being put to the vote was declared agreed.

It was resolved:

- (i) That approval of application 14/00533/OUT be delegated to the Principal Development Management Officer for approval subject to the conditions outlined in the committee report and if, following the District Valuer's report, affordable housing is found to be viable to

the completion of a satisfactory S106 Agreement to secure the affordable housing provision/payment in lieu;

- (ii) That reserved matters be reported back to the Committee.

32. **INFORMATION ITEM – PLANNING ENFORCEMENT**

The Committee considered a report, reference P61 previously circulated, which provided a six-monthly update on complaint, the level of work and cases resolved relating to planning enforcement.

The Senior Enforcement Officer advised the Committee that the level of new cases was high and the number of outstanding cases was increasing even though more cases were being resolved. This meant that most pro-active work could not be carried out due to this workload, though some was being carried out for example relating to residential houseboats. There were 100 of them in the district and it was most important to discussion conditions for these. The section had managed to secure money from unpaid planning fees and Community Infrastructure Levy dues. In response to Councillor Mike Rouse's question, it was revealed that the Enforcement team consisted of 2 full-time officers with 1 part-time.

Councillor David Ambrose Smith was concerned that if the situation over the caseload did not get better, and if there was no chance to be more pro-active, then resources would need to be improved. This should be a recommendation to a higher level. Councillor Joshua Schumann thought staffing levels could be looked at. A suggestion was made for a group of Members to get together to consider this. A meeting would have to be arranged with the Member Champion for Planning, the Chairman of this Committee plus Councillors Robert Stevens and David Ambrose Smith who volunteered to help.

The report was noted.

The meeting concluded at 5:23pm.