



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee  
held in the Council Chamber, The Grange, Nutholt Lane  
Ely on Wednesday, 7<sup>th</sup> October 2015 at 2.00pm

### **P R E S E N T**

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

### **OFFICERS**

Julie Barrow – Planning Officer  
Jo Brooks – Director, Regulatory Services  
Maggie Camp – Legal Services Manager  
Janis Murfet – Democratic Services Officer  
Jon Pavey-Smith – Planning Officer  
Sue Wheatley – Planning Manager

### **ALSO IN ATTENDANCE**

Councillor Steve Cheetham  
Councillor Richard Hobbs  
Councillor Mark Hugo  
Councillor Bill Hunt  
Councillor Charles Roberts  
30 members of the public attended the meeting.

### 35. **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Mike Rouse.

It was noted that Councillor David Brown would substitute for Councillor Rouse for the duration of the meeting.

36. **DECLARATIONS OF INTEREST**

There were no declarations of interest made.

37. **MINUTES**

Further to Minute No.31 (15/00438/FUM, Amberlea Country Kennels and Cattery, Ely Road, Sutton), page 4, final paragraph, the Chairman said that he wished to make a clarification, in response to a comment made by Councillor Bill Hunt at the previous meeting. He asked the Democratic Services Officer to read out from an email from the applicant regarding the status of the access road to the properties affected by the Stopping Up Order for this portion of the old A142 in 1993. It was noted that following a request by the applicant for a formal search as to the actual Right of Way status and the Highways boundaries, the County Council had confirmed that the blocked up road was not a Public Right of Way but an informal access road to the properties situated along its route. Whereupon,

It was resolved:

That subject to the above clarification, the minutes of the Planning Committee meeting held on 2<sup>nd</sup> September 2015 be confirmed as a correct record and signed by the Chairman.

38. **CHAIRMAN'S ANNOUNCEMENTS**

- The Chairman announced that the RTPI was to hold a "Politicians in Planning" conference at the NEC Birmingham, on Saturday, 28<sup>th</sup> November 2015. A place was available to a Member of the Planning Committee and if anyone wished to attend, they should contact Janis Murfet for the details;
- Members were asked to note that the date of the next Committee meeting was being rearranged to take place on Friday, 6<sup>th</sup> November 2015 at 2.00pm;
- At the invitation of the Chairman, the Director, Regulatory Services drew Members' attention to a tabled paper which set out statistics relating to planning performance for September 2015 (attached as Appendix 1 to these Minutes). A monthly report, for noting, would appear as a standing item on all future Planning Committee agendas and if Members felt that anything else should be added to the report, to contact her.

(Councillor Chaplin joined the meeting at 2.09pm)

39. **14/01007/ESF – RED HILL FARM, CAMBRIDGE ROAD, STRETHAM**

Julie Barrow, Planning Officer, presented a report (Q84, previously circulated) which sought consent for the installation of two wind turbines, each with a hub height of 75 metres and a maximum height to blade tip of 102 metres. The applicant's chosen supplier currently offered a turbine with a nominal power output of 500kW and another with a nominal output of 900kW; both turbines were identical in height and appearance. At this time it was uncertain whether the 500kW turbine would remain in production and the applicant had therefore submitted the application on the basis that only the 900kW turbine might be available in the future.

On a point of housekeeping, the Planning Officer asked Members to note two corrections to Reason 2 of the recommendation. In the sentence commencing "*Similarly, the special qualities ...*" the reference to North Mill should read Haddenham Great Mill, and the direction was north west, not north east.

It was noted that the application also sought consent for a crane pad/turning area beside each turbine; these would be permanent hard standing areas. It was proposed to have a sub-station alongside each turbine and works would be required to upgrade the existing footpath leading to the site together with improvements to an existing culvert and the creation of an access track between the two turbines.

A number of illustrations were displayed at the meeting including a map of the application site, an aerial photograph of the area, photographs of the location taken from various viewpoints, the dimensions of the turbines, an aerial photograph indicating the location of heritage assets in the area in relation to the proposal, an illustrative of the dwellings assessed and an aerial photograph of the airstrip at Mitchells Farm.

In summarising her report, the Planning Officer first spoke of the policy and principle of renewable energy development. Members noted that significant weight should be given to the benefits of the scheme in terms of the contribution to the national objective of promoting renewable energy technologies; Policy ENV6 of the Local Plan related specifically to this. The Renewable Energy Development (Commercial Scale) supplementary planning document (SPD) provided guidance on how planning applications for renewable energy proposals may be assessed and this was a material consideration, where it was consistent with national policy.

The National Policy Statement for Energy (EN-1) set out national policy for energy infrastructure and described the need for new national significant energy infrastructure projects. EN-3 (NPS for Renewable Energy

Infrastructure) then provided the primary basis for decisions, giving guidance on various technologies and their potential for significant effects.

One of the core principles of planning identified in the National Planning Policy Framework (NPPF) was supporting the transition to a low carbon future in a changing climate. Paragraph 93 of the NPPF stated:

*“Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.”*

As such, the NPPF stated that local planning authorities, when determining applications for renewable energy development, should not require applicants to demonstrate the overall need for the development.

A Written Ministerial Statement was made by the Secretary of State for Communities & Local Government on 18<sup>th</sup> June 2015, setting out new considerations to be applied to proposed wind energy development. It confirmed that from 18<sup>th</sup> June,

*“when determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:*

- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and*
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.”*

The Statement set out transitional provisions for applications that had already been submitted, which would apply to this application. It stated that

*“where a valid planning application for a wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.”*

This matter of whether the proposal had the backing of the local community, as defined by the Ministerial Statement, was a material consideration, which should be given significant weight in the planning balance.

With regard to landscape, the Planning Officer stated that there was no published guidance establishing a threshold beyond which visual impacts

should be deemed unacceptable and it was therefore for the decision maker in each case to determine how much weight landscape and visual effects should attract in the planning balance. The application site was located within a wider area on which planning consent for a new settlement (to be known as Mereham) was refused in 2006. The landscape impacts of that proposal were widely debated at a public enquiry, with the Planning Inspector's report describing the landscape as having "*a slightly mystical character that can change with weather conditions. The belts of trees as the land rises slightly ... and the higher trees in linear order approaching the ridge add an almost Arcadian hint to the landscape character*".

There was a special relationship between the low lying fenland landscape and the fen island ridges beyond, and the Local Planning Authority (LPA) considered landscape sensitivity to be higher than was suggested in the Land & Visual Impact Assessment (LVIA). It was considered that the turbines and their associated infrastructure would have an urbanising effect on the rural fen landscape and that the landscape would become dominated by them. The associated infrastructure would erode the soft natural character of the area, introducing a number of hard, unforgiving features.

The adverse effects noted for a number of views and receptors would be contrary to Policies ENV1, ENV2 and ENV6 of the Local Plan as well as the desire to protect the countryside outlined in the NPPF. The significance of the effects and the impact on the visual receptors was considered to weigh significantly against the development.

The Planning Officer reminded the Committee that, in terms of cultural heritage, Section 66 of the Planning (Listed Buildings & Conservation Area) Act 1990 required the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possessed. Section 72 of that same Act required the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.

It was noted that Cambridgeshire Archaeology was satisfied that there was no archaeological impediment to the development of wind turbines in these locations on archaeological grounds.

Whilst the impacts of the proposal on the immediate setting of individual heritage assets were considered to result in less than substantial harm, the impacts of the proposal on the setting of a number of heritage assets in the wider landscape was considered to result in substantial harm and as such, should attract significant weight against the proposal.

Turning next to residential amenity, the Planning Officer said she had broken this down into three elements: noise, shadow flicker, and living conditions.

Assessing the noise impacts of wind turbines was identified in Planning Practice Guidance (PPG) as a key consideration and Policy ENV9 of the Local Plan reflected national policy, seeking to protect against the adverse effects of noise. PPG stated that the recognised guidance ETSU-R-97 should be used by local planning authorities, along with the good practice guide prepared by the Institute of acoustics and the Department for Energy & Climate Change. The applicant had submitted a simplified ETSU-R-97 Noise Assessment in respect of the construction of two 500kW turbines carried out by Huntingdonshire District Council. On the basis of the assessments carried out on behalf of the applicant, the TNEI Services review of these assessments and the information supplied by the Council's Environmental Health, it was considered that the refusal of the application on the grounds of unacceptable noise impacts would not be justified as it would not be possible to substantiate, with evidence, a reason for refusal.

PPG discussed and defined the phenomenon of "shadow flicker" and went on to state that only properties within 130 degrees either side of north of each turbine would be affected at UK latitudes. NPS EN03 stated that an assessment was required for those properties falling within a distance equal to 10 rotor diameters of the turbines. For this proposal, this equated to a maximum distance of 540 metres.

The applicant carried out a shadow flicker assessment and an Addendum was prepared, dealing with the current proposed position of the turbines. Snoots Bridge and No's 58 and 60 Cambridge Road remained on the edge of the 540 metre assessment zone with Elford Farm just beyond. However, it was accepted that there were no other residential receptors within the zone. It was also noted that the Shadow Flicker assessment and Addendum stated that if required, mitigation measures could be put into place and secured by condition.

With regard to living conditions, there was no protection as such for private views from residential properties in planning. However, it had been recognised that there were cases *"when turbines are present in such number, size and proximity that they represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden"* and *"the property concerned would become to be regarded as an unattractive and these unsatisfactory (but not necessarily uninhabitable place in which to live"*. Inspector David Lavender made the comments which had gone on to form the basis of a useful rule of thumb, which had become known as the "Lavender Test". This "test" had been applied in a number of cases and had been endorsed by the Secretary of State in recovered appeals. There was no formal guidance as to how the test should be applied and the impact of any particular wind farm development assessed. However, appeal decisions had identified considerations including the proximity of turbines, the level of screening, orientation, and the spread of the turbines.

Numbers 58 and 60 Cambridge Road were the closest residential dwellings. Although the turbines would be visible in oblique view from a first floor side elevation window at No. 60, its orientation was such that the

turbines would not dominate the view from this window and they would not have an overwhelming or oppressive effect on occupiers of the dwelling.

Snoots Bridge was located approximately 550 metres south east of the closest turbine and Elford Farm was to the east of Snoots Bridge on the opposite side of the A10. Whilst direct views of the turbines were likely to be obscured by intervening vegetation and the blade tips might be visible in the skyline above in oblique views, they would not be at such close proximity to appear overwhelming or oppressive.

The Planning Officer reported that a number of letters of objection had been received from residents at the Lazy Otter Meadows complex. The complex was well screened from the A10 by virtue of the fact that it was on lower lying ground and the vegetation on the northern boundary. It would therefore be partially screened from the turbines with only the blades visible in the distance from certain areas of the complex. It was considered that the turbines would not appear overwhelming or oppressive and that the complex would not become an unattractive or unsatisfactory place to live.

One of the most direct views of the turbines would be from Red Hill Farm and Mitchells Farm. However, given the applicant's interest in the application process and the financial rewards likely to be received should the development go ahead, it was accepted that less weight should be given to the impact of the proposal on the applicant's dwelling.

The owners of the Cosy Kennels & Cattery had expressed concern regarding the potential impact of the moving blades and noise generated on the animals boarded with them. They were also concerned that new customers might be deterred from using the facility due to fears that the turbines might have an adverse impact on their pets. There was no substantive evidence to suggest that the turbines were likely to have an adverse impact on the health and wellbeing of the animals, but rather that perception appeared to be the primary issue. It was therefore considered that in the planning balance, such weight should be limited in the absence of any substantive evidence that the business was likely to suffer.

In connection with the Public Right of Way (PRoW), Members noted that the Definitive Map Officer at the County Council had not raised any objections on the basis that the footpath remained open during construction. However, the applicant would have to gain consent from the Public Right of Way Team prior to any works to the surface of the PRoW being carried out and the granting of planning permission did not entitle a developer to obstruct a PRoW.

With regard to the issue of recreational amenity and tourism, this had been cited in a number of planning appeals and "called in decisions". The predominant view of the Inspectors was that the ability of visitors and residents to use PRoW and tourist attractions was not directly affected by the presence of turbines. The matter was largely one of personal choice, which was unlikely to carry significant weight in the planning balance.

The Planning Officer next spoke of aviation, saying that effects on and risk to aviation could often be mitigated through appropriate siting, consultation and the use of conditions. The Ministry of Defence (MOD) had confirmed that it was aware that the applicant had been in discussions with Cambridge Airport to address issues of interference with its Primary Surveillance Radar. Potential mitigation solutions had been discussed to a point where Cambridge Airport accepted that appropriately worded conditions would provide a satisfactory basis for resolving the objection.

The consultation response received from National Air Traffic Services (NATS) stated that the proposed development had been examined from a technical safeguarding aspect and it did not conflict with its safeguarding criteria; therefore NATS had no safeguarding objection to the proposal.

With regard to the Mitchells Farm airfield, air turbulence was of particular concern, as was the potential impact on flight paths. No evidence had been presented to the Council to indicate that the statement made in the Non-Technical Summary in relation to the airfield was correct. Based on CAA guidance that aerodrome operators were the “experts” in relation to matters concerning their operations, it was considered that the application failed to demonstrate that it could be made acceptable in relation to Mitchells Farm Airfield, as required by Policy ENV6 of the Local Plan.

In connection with non-avian ecology, the Committee noted that a Phase 1 Habitat Survey had been carried out. Section 11 of the Environmental Statement (July 2015) repeated the content of the Survey, but no attempt had been made to assess the likely impacts of the proposal on the various habitats identified. There was no correlation between the works to the tracks and turbines with the habitats affected.

Natural England was consulted and had advised that the proposal was unlikely to affect any statutorily protected sites or landscapes and on this basis, it had no objection to the application.

It was considered that the applicant had also failed to fully consider whether there were any opportunities for the creation, restoration and connection of natural habitats; the proposal was therefore contrary to Local Plan Policy ENV7. A wet ditch had been identified via an existing bridge structure that would be replaced with a stronger structure in the same location. This was a potential habitat for otters and water voles, and yet the Phase 1 Habitat Survey stated that no evidence of protected animal species was seen within the development boundary site. The survey also stated that impacts on aquatic species that might inhabit the ditch were not anticipated.

No evidence had been submitted to justify the lack of species surveys and no details of the improved access over the wet ditch had been supplied. On this basis, the Council was unable to fully assess the impact of the proposal on these protected species and the proposal was therefore contrary to Policies ENV6 and ENV7 of the Local Plan.



Desktop research informed the winter bird survey work and the site was surveyed on four occasions at different times of the day between November 2013 and February 2014. No target bird species were seen overflying the site or within 500 metres and the applicant had therefore concluded that no mitigation was required. Whilst there had been no objection from the Wildfowl & Wetlands Trust and no comments from the RSPB, the Stop Stretham Wind Farm Action Group had raised concerns that the level of survey work did not meet recommended guidelines. There had been no consideration of collision risk or cumulative assessment and the level of survey work was below that recommended by Natural England. On this basis the Council had insufficient information on which to assess the effects of the proposal on ornithology and consider any potential mitigation measures and the proposal therefore failed to comply with Policy ENV7 of the Local Plan.

Members noted it was considered that the risk to the bat population was minor and in mitigation, particular attention had been paid to ensuring that the turbines would be positioned an appropriate distance from potential foraging habitats and roost sites. It had been recommended that the turbines remained isolated and that no additional hedge or tree planting should be implemented that would connect the site with existing hedgerows on other parts of the farm.

The applicant had carried out an Access Study and discussions had taken place with the Local highway Authority. There were concerns regarding the width of the access track to the site, and in response to a request by Highways that the track be widened to 6 metres for the first 30 metres to allow two vehicles to pass, the applicant's agent had stated that an agreement would be put in place with the turbine supplier stating that only one delivery vehicle would be allowed on to the site at any one time.

There were concerns that the significance of the effects of the proposal on main road networks had not been considered. There was no agreement with the Haddenham Level Drainage Commissioners regarding works to New Cut Drain and no detail as to how the PRoW would remain open during the construction phase. It was the view of the Council that the applicant had failed to adequately address traffic and transportation; the proposal was therefore contrary to Policies ENV8 and ENV9 of the Local Plan.

The application site was located within Flood Zone 1, and an assessment of the risk to surface and ground water was presented as "miniscule" and "no greater than that posed by the everyday workings of the farm". Flood risk was stated as being restricted to a small increase in surface run-off associated with the turbines and associated infrastructure, and was stated not to be significant or to increase the potential flood risk.

The Air Quality Assessment was restricted to construction vehicles/activities with mitigation limited to the servicing of machines and dampening techniques to prevent dust. It was considered that the impacts on

air quality and surface and ground water had not been fully assessed. The lack of adequate assessment meant that any mitigation measures proposed could not be fully relied upon, and therefore conditions might not mitigate any potential harm. In view of this, the proposal was considered to be contrary to Policies ENV8 and ENV9 of the Local Plan.

The Environmental Statement (July 2015) did not contain a specific section on the effects of proposal on telecommunications. However, there was reference to consultation exercises carried out by the applicant with various bodies. OFCOM did not comment on the application; the BBC originally commented that “0 houses would be affected”, but were unable to provide any further comments and Anglian Water stated that there would be no adverse effects. The Joint Radio Company Ltd report indicated that the current siting of the turbines should not result in any objection from National Grid Gas Networks. With regard to interference by electromagnetic transmissions, this had been addressed on a number of occasions by Planning Inspectors within the context of appeals against the refusal of planning permission for wind turbine development. It was generally accepted that where further investigation was required, this could be secured by condition, as could any mitigation measures. There was no evidence before the Council to suggest that this application should be treated any differently.

In speaking of the benefits of the development, the Planning Officer quoted from paragraphs 97 and 98 of the NPPF, and from NPS EN-1. It was clear that Government policy and guidance emphasised that all renewable energy projects made a valuable contribution to energy generation and, notwithstanding the difficulties encountered in this case, the benefits of the provision of renewable energy from this scheme must attract significant weight in favour of the proposal.

The applicant had stated that he was prepared to set up a community fund, with 5% of net income per annum from the turbines going to this fund. The Planning Officer stated that this was not a material planning consideration and did not attract any weight in the planning balance.

A number of issues had been raised by objectors, in particular concerns that if the development went ahead, it would result in the reduction of property and land prices. Such matters were not material planning considerations and would not carry any weight in the planning balance.

The Planning Officer reiterated that the matter of assessing the benefits of a proposal against the harm caused was one for the decision maker and there were no set limits or thresholds to be met or passed in order for a decision to be made either in favour of or against a proposal. Members’ attention was drawn to an illustrative that set out the benefits and adverse effects of the proposal and the Planning Officer commented on each one. It was, she said, clear that there were a number of factors which weighed heavily against the proposal. Taking all material considerations into account, it was considered that the benefits did not outweigh the adverse effects and that the proposal was not acceptable at this location.

At this point the Chairman commended the Planning Officer on what he thought was a fantastic report

At the invitation of the Chairman, Richard Nuttall, Chairman of the Stop Stretham Wind Farm Action Group and a Parish Councillor for Stretham, spoke in opposition to the application and made the following points:

- The Action Group had been formed in 2014 at the time of the first planning application and had been campaigning ever since. They met on a monthly basis and there was also a wider interest group;
- The Written Ministerial Statement said that local people should have the final say on wind farm applications;
- The application was not backed by the community and there were 256 signatures on a petition against the development;
- The community had only been consulted on the first application in 2014, not on this application;
- The applicant could have come to the community to explain about the turbines but did not do so;
- The applicant, not the community, would be the only beneficiary of the development;
- Many of the adverse effects had been ignored;
- Objections raised had made clear the impact that the proposal would have on flight safety, especially at the Mitchells Farm Airfield ;
- There had been no consideration of the community, and the detail in the application was inadequate.

Mr Nuttall concluded by urging the Committee to reject the application.

At the invitation of the Chairman, Amy Richardson, Solicitor, and Kathryn Brown, agent for the applicant, addressed the Committee in support of the application. Ms Richardson made the following comments:

- The Planning Officer's report recommended that the application be refused, but as a Local Planning Authority, ECDC had policies which supported the provision of the use of renewable energy. She therefore asked that the application be given a fair hearing and that the reasons for refusal be considered very carefully;
- Refusal reason 1 related to landscape and amenity, concluding that the turbines and their associated hard standing in this locality would have an urbanising effect and significantly change the character of the area. Surely this could be argued in terms of the solar farms and bio digesters, some of which were close by, which had received approval;
- Hard standing areas and new access tracks were created by farmers all over the District through their agricultural permitted development rights, so why would they cause harm in this location?
- It appeared that this very subjective reason for refusal had been manipulated to suit the desire to refuse the application. Whilst the

Council's advisors had reached their conclusion, the applicant's advisors had reached their own conclusion. Would the two turbines really create an urbanising effect, and if so, how would they be any different from similar structures that had become commonplace in the fen landscape in the neighbouring District ?

- Cultural heritage was another very subjective reason for refusal in terms of whether the turbines, when viewed from the West Tower of the Cathedral, would cause harm to the significance of the Cathedral and its setting. Depending on the time of day and weather conditions, visitors might find it difficult to view the turbines. Also there were other wind turbines visible from the Tower, and whilst those planning applications might not have been under this Council's control, consideration should be given to the fact that these turbines were not the only ones that would be seen;
- The blade tips would only be visible if one was on the driveway of Denny Abbey, and the main attraction of the Stretham Old Engine Museum was located indoors, so it was difficult to imagine how visitors would have their day spoiled by the turbines. Likewise, due to the large bank at the northern end of the village, which was topped by a windmill, the Cathedral was not visible from the footpath by the turbine site;
- With regard to aviation and the proximity to Mitchells Farm Airfield, it should be noted that this did not have planning permission for use as an airfield. However, the Officer had assumed that in the event of a certificate of lawful use being submitted, it would be successful. The applicant had obtained an expert's view as to what weight should be given to the impact on the airstrip and the conclusion was that the objections were based on an incorrect application of regulation for licensed airfields to the unlicensed airfield at Mitchells Farm. It was therefore believed that there should not be the weight given attached to this reason for refusal. The applicant had tried, unsuccessfully, to engage with the owner of the airstrip and besides which, suitable planning conditions could address the issue;
- The applicant had been liaising closely with Natural England throughout the project to ensure that the ecological aspect was complied with. It was therefore disputed that the Council had insufficient information to assess the effects on birds;
- The issue of traffic and transportation should not be a reason for refusal, as they had been led to believe that County Highways no longer objected to the scheme;
- In terms of flood risk, the reason for refusal seemed to be make-weight. Surface water run-off onto fields and subsequently into ditches was an acceptable means of dealing with surface water, and this is how it would be dealt with if it was an agricultural development;
- Regarding air quality, the Nicholas Pearson report said the information provided in the Environmental Statement was good enough to pass. It was therefore difficult to understand why the Council was now going over and above their own consultant's advice;
- In terms of support from the local community, the Ministerial Statement should not be interpreted in such a simplistic way. Some of the reasons put forward by the objectors were legitimate planning considerations and

others were not, but the Officer's report did not include the support for the wind farm. This made the reason for refusal extremely biased;

- The local Green Party had gathered 87 signatures on a petition, independent of the applicant. The vast majority of signatories were local people and all fully supportive of the scheme. This should be taken into consideration, as it would be unfair and unreasonable to disregard the support given to the application just because those who were not in favour had voiced their opinion more forcefully;
- If permission was granted, both Wilburton and Haddenham would receive 5% of the net income during the life of the turbines annually.

Ms Richardson concluded by saying that beauty was in the eye of the beholder, and whether one thought a wind turbine was attractive or not was a matter of personal opinion. Renewable energy from wind had a vital role to play in the UK's transition to a more secure low carbon energy system. It was recognised as being the cheapest large scale renewable energy source and had one of the lowest carbon footprints compared with other forms of electricity generation. She asked that the application be considered on its own merits and not dismissed merely because it had been opposed so strongly. The application did have support, as did the use of wind turbines to generate energy.

Addressing Ms Brown, Councillor Hitchin asked about the wording of the Green Party petition. Ms Brown replied that it spoke of the wind farm and asked people to sign if they were in favour of the development. Following up on this, Councillor Tom Hunt wished to know why the petition had not been sent to Councillors, as Members would wish to know who had signed and where the signatories were from. Ms Brown said that the Green Party had not informed them of the petition, as it was conducted independently, and she did not have any specific statistics.

In response to a question from Councillor Beckett regarding the point of connection to the National Grid, Ms Brown replied that this was subject to confirmation as an agreement was still needed. Following a further question from Councillor Beckett, it was noted that there was no agreement with either Highways or the Haddenham Level Drainage Commissioners.

At the invitation of the Chairman, Councillor Steve Cheetham, a Ward Member for Haddenham, and Chairman of the Stop Berry Fen Wind Farm Action Group addressed the Committee and made the following remarks:

- Being Chairman of the Stop Berry Fen Wind Farm Action Group had given him a very good understanding of wind turbines and their impact;
- The Planning Officer had produced an excellent professional report which clearly stated that this application should be refused. He wished to focus on a number of specific reasons for refusal;
- The significance of a number of the adverse impacts on visual amenity had been downplayed by the applicant. The view from the footpath was one of an undeveloped fenland vista framed by the ridges to the north. The insertion of two turbines of the scale proposed would fundamentally

alter this view and the experience of it. The associated infrastructure would erode the soft natural character of the area, introducing a number of hard, unforgiving features. The experience of people using the footpath would be one of travelling through a landscape dominated by turbines rather than allowing them to appreciate the special relationship between the island ridges and lowland fens.

- The turbines would not be completely screened and the significance of the effects was considered to be far greater than “moderate-slight” as stated by the applicant and would cause a perceptible change to the landscape setting;
- The adverse effects of the turbines from a number of views and receptors would be contrary to Policies ENV1, ENV2 and ENV6 of the Local Plan as well as the desire to protect the countryside outlined in the NPPF. The significance of the effects and impact on visual receptors had to weigh very significantly against this development;
- With regard to the impact on residential amenity, there were two key issues: noise and the effect on living conditions;
- Although noise could not be substantiated as a reason for refusal, it would impact on residential amenity. Many hundreds of complaints across the country have to be dealt with by Environmental Health Officers, with the local Cotton Farm wind turbines being a case in point;
- The Lazy Otter Meadows complex was on low lying land and well screened from the A10, but it would only be partially screened from the turbines;
- At Mitchells Farm the turbines would become the dominant feature in what was an open landscape, devoid of man-made features until the eye reached the A10. The distracting moving blades were also likely to affect the occupiers of Mitchells Farm;
- Although it was the Planning Officer’s view that the living conditions of the closest residential properties did not fail the “Lavender Test”, it was clear that the objections from the residents of Mitchells Farm and the Lazy Otter complex had not been addressed. Therefore the proposed scheme would not meet the transitional arrangements set out in the Ministerial Statement of 18<sup>th</sup> June 2015, and significant weight must be given to this non-compliance.

Councillor Cheetham concluded by saying that he was very well aware of the stress and anxiety caused to the residents of Stretham by this application, and the reasons he had spoken of made it very clear that the development was completely unacceptable. He asked the Committee not only to refuse the application unanimously, but to concur with the reasons for refusal put before them.

At the invitation of the Chairman, Councillor Mark Hugo, Ward Member and Parish Councillor for Haddenham, addressed the Committee in objection to the application, and made the following comments:

- The majority of the residents of Haddenham would be affected by this application and he made no apologies for speaking out on a Stretham ward application;

- He wished first to thank the Planning Officer for her excellent report and the work that went into it. He totally supported her recommendation for refusal on the many grounds she had listed;
- He saw visual impact and localism as being the main showstoppers, but as other speakers had covered these issues, he would speak on local heritage, ecology, and highways;
- The rich cultural heritage of this area was demonstrated by buildings such as Ely Cathedral, Denny Abbey, Stretham Old Engine, Haddenham Great Mill and the many old local village churches. It was clear that the views towards and from these prominent historical buildings would be seriously impacted by these industrial turbines, ruining the special qualities of the settings of these key historical sites for the many tourists and locals that visited them each year. With our flat fenland roads and our big skies, the turbines would become the dominant features in the landscape to all those passing through our district. The application therefore did not comply with policy ENV12 of the East Cambridgeshire Local Plan 2015, the East Cambridgeshire Renewable Energy SPD;
- On the subject of ecology it was clear from the planning document that the succession of Environmental Surveys done by the applicant had been totally inadequate, as stated by Natural England, and in many places completely lacking for key species such as water voles or otters in the wet ditch close to the site. Therefore no mitigation measures could be advised by this Council. The proposal therefore failed to comply with Policies ENV6 and ENV7 of the East Cambridgeshire Local Plan, the East Cambridgeshire Renewable Energy SPD and the guidance contained within the NPPF and the PPG.
- The impact on the District's overstretched roads during the construction phase of the development would clearly be significant with the A10 bearing the brunt but also affecting many other local roads and droves. The Council had stated that the traffic implications had not been fully investigated by the applicant. There were also unanswered questions about the public rights of way within the application site and how construction traffic would cross the New Cut Drain with no agreement with the Internal Drainage Board having been reached. The proposal was therefore contrary to policy COM7 of the East Cambridgeshire Local Plan and the East Cambridgeshire Renewable Energy SPD.

Councillor Hugo concluded by saying that this was clearly a badly thought out, opportunistic and selfish planning application whose supposed benefits were clearly outweighed by the damage it would do to the District and its people. It ran against the current national tide, the residents did not want it, and he urged the Committee to refuse it unanimously.

At the invitation of the Chairman, Councillor Bill Hunt, a Ward Member for Stretham, spoke in opposition to the application and made the following remarks:

- Being an elected Councillor was an honour but also a big responsibility and Members had a duty to represent the views of the

communities that had elected them, where those views had been expressed, even if they were not the Member's views;

- He had already made clear his views on the application;
- The public had to get on with their lives and rely on elected Members to look after their welfare. It was the Member's job to protect the City, towns and villages that made up East Cambridgeshire and this put a huge responsibility onto this Committee to do the right thing;
- He was very familiar with Red Hill Farm, as it had been in his family at one point and he had flown in and out of the airfield on a number of occasions. The airstrip was an officially recognised emergency landing strip;
- Julie Barrow, the Planning Officer in this case, had done a stunning job in writing her long, balanced, fair and comprehensive report and she had given the Committee seven good reasons for refusing the application. He had taken the liberty of submitting an extra five possible reasons, drawn mainly from this Council's October 2014 Renewable Energy Development (Commercial Scale) SPD, which he had been pleased to bring to Full Council late in 2014;
- Despite the technical reasons, he asked Members to imagine what it was like living in Stretham. For too long the threat of two huge 102 metre high turbines being constructed on Red Hill Farm had literally cast a shadow over the lives of the residents. Ely Cathedral was approximately 214 feet high and these turbines would be over 1.5 times the height of the West Tower;
- Most locals, such as himself, loved their "big, open skies", and during the Mereham Appeal, the land where this application was sited was particularly cited as worthy of preservation. Nothing had changed between 2007 and 2015, and this area's landscape character had to be retained;
- It was the responsibility of this Committee to maintain a balance when judging the merits of an application, and he had some facts which might help when coming to a decision;
- There were 154 letters of objection to the application, and 94 of those were from Stretham. The one letter of support came from Sandy in Bedfordshire;
- The limited consultation did not cover the complete area affected by these turbines and no benefits had been discussed with the nearby communities of Wilburton, Haddenham and Waterbeach, etc;
- Applications should only be approved when the area of application was identified in the Local Plan as being suitable for wind energy development;
- An application had to have addressed all possible impacts and gained the backing of the local communities. This was not the case here and the Ministerial Statement clearly stated that local people should have the final say on wind farm applications. It was very clear that in this case, the people had said "No".

Councillor Hunt concluded by saying that the planning balance was clear. There were few plus points (if any) to the application, it had virtually no



public support, it had little or no merit, ran contrary to local and national policies, and was recommended for a comprehensive refusal by Officers. If the application was granted permission, turbines would spread through the community like rabbits. The people of Stretham and their elected representatives were asking for the Committee's support by recognising that there was no "balance" and rejecting the proposal.

The Chairman noted that Councillor Hunt had mentioned the ownership of land at Red Hill Farm, and asked him if he needed to declare a prejudicial interest. Councillor Hunt replied that this was over twenty years ago and was no longer relevant.

Quoting from the Ministerial Statement, Councillor Tom Hunt said it was beyond him how anyone could think the application satisfied its provisions. He had found the supporters' speeches to be "mind boggling" and their points vague. This was a Local Planning Authority and there was a process for feeding into the consultation. The area in question was uniquely beautiful and the Cathedral should have no competing structures. He thought the applicant's comments were ludicrous and he called for Members to reject the application.

Councillor Brown commended the Planning Officer on the excellence of her report and presentation and said that he totally supported her recommendation.

It was duly proposed by Councillor Brown and seconded by Councillor Tom Hunt that the Officer's recommendation for refusal be accepted.

The Chairman added his thanks to the Planning Officer, saying that her report and presentation were "fantastic". The Committee could not support the application because there was such a lack of information.

When put to the vote, the proposal to accept the Officer's recommendation for refusal was carried unanimously. Whereupon,

It was resolved:

That planning application reference 14/01007/ESF be REFUSED for the reasons as detailed in the Officer's report and the amendment to Reason 2.

*(At this point there was a comfort break between 3.22pm and 3.30pm)*

40. **15/00683/PDR – 47 CARDINALS WAY, ELY**

Jon Pavey-Smith, Planning Officer, presented a report (Q85, previously circulated) which sought permission for the erection of a single storey extension to the rear of the property, positioning of solar panels on the

roof of the garage and the installation of a solar tube and flue pipe on the rear roof slope on the dwelling.

It was noted that the application had been called in to Committee by a local Ward Member.

The Cardinals Way development was approved in April 2007 and the permission had a condition removing the Permitted Development Rights of the properties. The condition was added to retain the quality appearance of the design in the interests of protecting the character and appearance of the Conservation Area and also the residential amenity of residents due to the high density of the development.

A number of illustrations were displayed at the meeting, including a map of the application site, an aerial photograph of the area, photographs of the location of the dwelling and illustratives of the proposal.

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

- The impact on the residential amenity of neighbouring properties;
- The visual appearance; and
- The impact on the Conservation Area.

The site comprised a mid-terrace dwelling in a relatively high density residential area within the Ely Conservation Area. The boundary treatments to the garden were a 1.8 metre fence to both side boundaries, and a 2 metre high wall to the rear boundary. Residential dwellings surrounded the site.

Taking into account the height and proximity of the extension in relation to the adjoining neighbours at numbers 45 and 49 Cardinals Way, the location of habitable room windows and patio doors serving the rear elevations of both properties and the open aspect that both neighbours enjoyed, it was considered that the proposal would have some impact on the level of oppressiveness felt to the rear garden of each adjoining property. However, Officers had also to take into account the fact that this application was required only due to permitted development rights having been removed from the property as part of the approval for the entire Cardinals Way development.

It had been suggested to both the agent and applicant to reduce the width of the extension to reduce the impact on the neighbouring properties. However, this suggestion was not taken forward, as it would have created a very narrow kitchen and it would not have been possible to fit in the proposed kitchen units.

The Planning Officer said that the letters from the residents at 45 and 49 Cardinals Way had been taken into account regarding loss of light. Whilst it was acknowledged that there would be a reduction in light and an impact on the outlook from both kitchens, the loss of light was not considered

significant enough to warrant refusal of the application on the grounds of unacceptable impact to the residential amenity of the neighbouring dwellings.

The residents of 41 Cardinals Way had raised concerns in relation to the impact of the solar panels reflecting into their rear elevation. However, it was considered that as the proposed panels would be approximately 8 metres away, and there were a small number of trees obscuring them, the residential amenity of No.41 would be retained to an acceptable level as the panels would not reflect into their rear elevation.

With regard to the Conservation Area, it was noted that the rear elevations of Cardinals Way were less sensitive to change than those at the front. As the proposed extension was single storey, it would not have a detrimental impact on the character or appearance of the Conservation Area. It was also considered that neither the solar panels nor the solar tube and flue pipe would cause harm to the character or appearance of the Conservation Area. The Conservation Officer had raised no objections to the scheme.

Members were reminded that amongst the objections raised, there were specific comments regarding the potential for serious structural damage to adjoining properties, and the disruption to parking while work was being carried out. The Planning Officer reiterated that any issues regarding access to land or potential damage to third party property was not a material planning consideration. Private parking arrangement was also not a material consideration, and it would be the responsibility of the applicants and the builders to ensure that they did not block any car parking spaces of the neighbouring properties.

The Planning Officer concluded by saying that this matter was finely balanced, and whilst there would be some impacts in terms of residential amenity to neighbouring properties, they were not deemed sufficient to warrant refusal of the application.

At the invitation of the Chairman, Mr Chris Peters, resident of No.45 Cardinals Way addressed the Committee in objection to the application and made the following points:

- He was an immediate neighbour of No.47, and he was also representing Mrs Gale at No.49, and Mrs Conder at No.41 Cardinals Way;
- He fully agreed with the objections raised;
- The summary on page 6 of the Officer's report said "*the matter is finely balanced*", and he asked Members to look again and tip the balance to refusal;
- He felt strongly that the proposal would have a most oppressive impact on much loved homes and a beautiful estate;
- There would be significant depredation of light. He had used the rule of 45 to demonstrate the reduction of sunlight coming into his kitchen window;

- The Planning Officer had suggested that the applicant reduce the impact of the extension by reducing its width, but to no avail;
- He maintained that this finely balanced decision should be for refusal on the grounds that the solar panels would cause a serious intrusion to Mrs Conder, the potential for serious structural damage, and there would be logistical difficulties in such a confined area.

Mr Peters concluded by asking Members to look again at these finely balanced judgements. If granted permission, the scheme would impact on two homes; the right balance of the decision should be one of refusal.

At the invitation of the Chairman, Mr John Friel, addressed the Committee in support of the application and made the following comments:

- The applicant was his wife and he was here to support her application;
- In the Officer's report it stated that the bi-folding doors would be uPVC, but he would have no hesitation in using the most appropriate material;
- There was no power to the garages and there had been problems with running cables, hence the application for solar panels;
- He disagreed that this was a finely balanced matter. The removal of the permitted development rights on the original application was lawful, and the objections raised in respect of this application were wrong;
- He had written to Members after receiving a poison pen letter and his son's car had been criminally damaged;
- There was room for a skip while the building work was going on;
- All they were asking for was a ground floor extension, and other residents on the development had done this;
- He was concerned at the nature of some of the objections because they all seemed to be repeated;
- Having listened to the previous case, he felt humble taking up the Committee's time with this application;
- The height of the extension could not be changed, and it would be neither large, overburdening or overweening;
- He and his wife had chosen the house specifically for their retirement. They were not seeking the extension to be overwhelming;
- Having spoken to one of his Ward Members about the things that had been happening, he was told that the Member did not get involved in neighbour disputes;
- He was very impressed with the investigations conducted by the Planning Officer and Planning Manager, as they were very thorough.

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

The Chairman asked Mr Friel if he was implying that the poison pen letter had come from an elected Member. Mr Friel replied that in no way was he implying this; he had realised that there were likely to be objections before

he had even put in the application, and he had written to his Ward Members to tell them this.

In response to a question from Councillor Chaplin, Mr Friel said that the back of No.49 had been opened up to the light, but the objection in respect of No.45 was not valid or marginal. The photographs shown were taken from an angle on the second floor where one could not observe what would happen. It was dark on the front door and light at the back of the house.

Councillor Cox observed that there was distress amongst the neighbours regarding the proposal to install solar panels, and he enquired whether Mr Friel's justification was that although it was possible to run a cable from the house to the garage, this was dangerous. Mr Friel replied that the builders had never installed anything, so the cable was plugged into a unit and the wires ran out to the garage.

At the invitation of the Chairman, Councillor Richard Hobbs, a Ward Member for Ely East spoke in opposition to the application and made the following points:

- He wished to make it very clear that he was here, in his capacity as a Ward Member, to talk about the planning application and not about personal issues;
- The Cardinals Way development was close to him because, as an elected Member in the 1990's, he served on the Working Party for Broad Street;
- Back then it had been recognised as a high density Brownfield site, and consultants were engaged to deliver a high specification development. They came to the Council and demonstrated what they could do
- They did an excellent job. The result was a premier site in Ely, which won a Silver Award;
- One of his objections was that the development was of such a high standard that it should remain as it had been conceived;
- This would be the first dwelling to have an extension, and if permission was granted, the doors would be opened for other residents to do the same;
- Having visited numbers 45 and 49, he had a major concern that the proposal would be intrusive;
- He believed that granting this application would be a big step – it was not just about an extension.

Councillor Hobbs concluded by asking the Committee to refuse the application.

Councillor Bovingdon remarked that there was an extension to the rear of No.41 Cardinals Way and therefore the precedent had already been set.

Councillor Beckett said that he had some sympathy with the applicant in that she felt the house would be more desirable with the extension, but the size and bulk of the proposal concerned him. Whilst he agreed that some of the objections were irrelevant, he concurred that it would have an overbearing effect on the neighbours; he thought it would spoil the enjoyment of their gardens and he also wondered if it would cause damp in the garden of the neighbour to the right. Councillor Beckett said that on balance, he was minded to disagree with the Officer's recommendation.

The Chairman said it was difficult because the matter was finely balanced. However, he believed there would be a significant impact on residential amenity as the gardens were small.

Referring to paragraph 7.14 of the Officer's report, Councillor Beckett reiterated that the Planning Committee spent a lot of time considering conditions and it was not generally expected that a condition would be lifted once imposed. Because of the exemplary nature of the Cardinals Way development, the condition removing the Permitted Development Rights was there for a good reason.

The Chairman commented that the removal of the Permitted Development Rights was a means by which to retain control over the development and the Planning Manager added that the application mentioned in paragraph 7.14 was not for the whole development, only the applicant's dwelling.

Councillor Tom Hunt said he sympathised with the points raised but he also took on board the views of the local Member. He believed this to be a very expansionist application and the impact of the proposal on adjoining residents was a significant concern. With regard to residential amenity, the proposal was of such an overbearing nature that there would be a loss of light in the kitchens and gardens of those properties. The solar panels and the extension to the property would be too expansionist, and the significant character and design of the neighbourhood should be protected.

It was duly proposed by Councillor Hunt and seconded by Councillor Stubbs that the Officer's recommendation for approval be rejected.

Councillor Brown disagreed, saying that there was a fine balance in this matter, and he was minded to support the Officer's recommendation.

Councillor Cox thought that things could be improved if the application was withdrawn and then resubmitted with modifications to the roof line so as to reduce the impact. The Chairman reminded him that an attempt had already been made, unsuccessfully, to do this. Whilst understanding Councillor Cox's sentiment, Members had to determine the application based on what was before them today.

The Committee then returned to Councillor Hunt's motion and when put to the vote, it was declared carried, there being 9 votes for, 1 vote against, and 1 abstention.

It was resolved:

That planning application reference 15/00638/PDR be REFUSED for the following reasons:

- 1) The proposal is of such an overbearing nature that it would impact on residential amenity resulting in a loss of light in the gardens and dwellings of the neighbouring properties;
- 2) To protect the significant character and design of the neighbourhood;
- 3) And that Officers be given delegated authority to apply the relevant policies regarding the reasons for refusal.

#### 41. **SITE VISIT PROTOCOL**

The Planning Manager presented a report (Q86, previously circulated) from which the Committee was asked to consider, comment upon and adopt the revised Planning Committee Site Visit Protocol.

Attached to the report was a copy of the proposed revised Protocol (Appendix 1), the previous revised Protocol that had been presented to the Planning Committee on 7<sup>th</sup> January 2015 (Appendix 2) and the existing Protocol (Appendix 3).

The Planning Manager commenced by saying that this was an opportunity to revise the existing document to include reference as to how planning site visits would be carried out. Members would be clear about what was expected of them and how they should deal with the public during site visits. She apologised for not having brought the revised Protocol back to Members sooner, explaining that she wished the new Committee to first have time to settle in.

The Chairman stated that the revised Protocol would be adopted as part of the Constitution.

Councillor Brown said he was unclear about why the existing Protocol needed to be changed, but he made the following points:

- Paragraph 1.2 of Appendix 1 should state "The **Members** Code of Conduct **within the Constitution** defines ..."
- Paragraph 2.1 – all sites should be visited, even if Members had visited them before, otherwise what would happen, for example, at election time, if there was a new Planning Committee?

- Paragraph 2.5 – the Chairman already asked for declarations of interest on the bus, so why the need to do it again at each site ?
- Paragraph 2.9 – having to “stay close together” brought to mind the image of school children out on a trip, being made to walk in pairs;
- Paragraph 3 – the title of this paragraph should be changed to “Additional Guidance”.

The Planning Manager reminded the Committee that the Ombudsman had recommended making changes to the Site Visit Protocol, and in doing so, the Council would be complying with good practice. The point about Members staying together on site visits was to protect them; to all intents and purposes, a site visit was part of the meeting.

Councillor Beckett responded by saying that this was seeking to tie Members where there was no need; they should have the freedom to look at any points they considered to be of interest. The Chairman agreed that if there was a noteworthy point, then all of the Committee should see it, but in drawing attention to the wording of paragraph 2.9, he reminded Members that it said “should”, not “must”.

Councillor Beckett said he did not see the need for paragraph 2.11 of the proposed revised Protocol, as he believed it undermined the integrity of the Members of Council. In all his years on the Planning Committee, he was not aware of any Member having sat down with a pre-conceived opinion. There would be discussion by Members, but this would not stop them from doing what was right. The Chairman commented that it was important not to discuss the merits of an application whilst on a site visit and Members should make sure they used the correct terminology.

The Planning Manager reiterated the point about the Ombudsman’s concerns regarding declarations of interest. This had been made clear so that Members would not be drawn into discussions because visiting the site was intended to help them at the Committee meeting.

There being no further comments, it was proposed and seconded that the revised Planning Committee Site Visit Protocol, be adopted, subject to the following amendments:

- Paragraph 1.2 - to read “The Members Code of Conduct **within the Constitution** defines site visits ...”;
- Paragraph 2.1 – The final sentence “If the Committee have visited a site recently then this site will not be visited again” to be deleted;
- Paragraph 2.9 – Sentence to be abbreviated to read “Members should not engage individually or in small groups with others who may be present .”
- Paragraph 3.0 – Title to be changed to “Additional Guidance”.



When put to the vote, the motion was declared carried, there being 10 votes for, and 1 vote against. Whereupon,

It was resolved:

That the revised Planning Committee Site Visit Protocol, attached as Appendix 1 of this report, be adopted, subject to the following amendments:

- 1) Paragraph 1.2 - to read "The Members Code of Conduct **within the Constitution** defines site visits ...";
- 2) Paragraph 2.1 – The final sentence "If the Committee have visited a site recently then this site will not be visited again" to be deleted;
- 3) Paragraph 2.9 – Sentence to be abbreviated to read "Members should not engage individually or in small groups with others who may be present ."
- 4) Paragraph 3.0 – Title to be changed to "Additional Guidance".

The meeting closed at 4.25pm