



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held in the Etheldreda Room, Ely Cathedral Conference Centre, Palace Green, Ely on Wednesday, 24th April 2019 at 2.00pm.

P R E S E N T

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

OFFICERS

Emma Barral – Planning Officer
Maggie Camp – Legal Services Manager
Rachael Forbes – Planning Officer
Richard Fitzjohn – Senior Planning Officer
Emma Grima – Director, Commercial
Anne James – Planning Consultant
Catherine Looper – Planning Officer
Janis Murfet – Democratic Services Officer
Rebecca Saunt – Planning Manager

ALSO IN ATTENDANCE

Councillor Julia Huffer (Agenda Item No. 5)
Approximately 45 members of the public

149. APOLOGIES AND SUBSTITUTIONS

There were no apologies given or substitutions made.

150. DECLARATIONS OF INTEREST

The Committee was reminded that the Legal Services Manager had circulated guidance to all Members regarding the issues she thought they would have before them with regard to Agenda Item No. 5 (18/00752/ESO – Land Southwest of 98 to 138 Station Road, Kennett). This covered predisposition, predetermination, bias, the Council as Local Planning Authority and as Developer, and Interests.

Councillor Schumann declared an interest in Agenda Item No. 5, saying that he had spoken in favour of the allocation in the Local Plan. He

believed public perception would be that he had predetermined the application and was therefore not unbiased. In the light of this, he would vacate the Chair, exercise his right to address the Committee and then leave the room while Members determined the application.

Councillor David Chaplin declared an interest in Agenda Item No. 5, in his capacity as Vice Chairman of the Shareholder Committee. He said that there was no conflict as the Shareholder Committee had not given any consideration to the application.

151. MINUTES

It was resolved:

That the Minutes of the meeting held on 3rd April 2019 be confirmed as a correct record and signed by the Chairman.

152. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- He welcomed Rachael Forbes, Planning Officer, to her first meeting of the Planning Committee;
- The next meeting of the Planning Committee would take place on Wednesday, 12th June. Following the forthcoming elections, any new Members had to undergo training before they could serve on the Committee;
- This was the last meeting of the Administration and he wished to place on record his thanks to a number of people:
 - The Committee Members for their constant professionalism and contribution to what he considered to be one of the most difficult, challenging roles within the Council;
 - The Planning Officers and support staff, including the Conservation and Trees Officers. East Cambridgeshire was regarded as one of the best Local Planning Authorities and this was because of its hard working Officers;
 - Maggie Camp, Legal Services Manager. She ably assisted at Committee meetings and also at the pre-planning stage;
 - Janis Murfet, Democratic Services Officer, for her invaluable help as clerk to the Planning Committee; and
 - Rebecca Saunt, Planning Manager for transforming the Planning department. He considered her to be both a colleague and friend.

At this point Councillor Schumann vacated the Chair and went to sit in the public gallery.

Councillor Rouse assumed the Chair for the consideration and determination of Agenda Item No. 5.

153. 18/00752/ESO – LAND SOUTHWEST OF 98 TO 138 STATION ROAD, KENNETT

Councillor Rouse introduced himself as Vice Chairman of the Planning Committee and said that he wished to thank Councillor Schumann for his firm leadership; he considered him to be an exemplary Chairman.

He then went on to say that in view of the media interest in this application, he wished to reiterate a number of points regarding material considerations. Ownership of the land, the applicant, and beneficiaries of the scheme were not material considerations. He felt it important to make these points because Members would look only at the planning issues.

Anne James, Planning Consultant, presented a report (reference T249, previously circulated) for an outline application with all matters reserved except for access with appearance, scale, layout and landscaping to be considered at the reserved matters stage. Planning permission was sought for a residential development (up to 500 units), a perimeter road, a local centre, an enterprise park, school, public open space and allotments on land to the south west of 98 – 138 Station Road, Kennett, a 40 hectare site comprising Grade 2 and 3A agricultural land.

The application site abutted Dane Hill Road to the north with Station Road abutting its eastern boundary. To the south of the site was an industrial estate and beyond this was Kennett Railway Station. The A14 ran in parallel with the railway line also to the south. Open farmland abutted its western edge. Kennett Village comprised sporadic groups of housing along the Station Road boundary.

The Howe Hill Tumulus Ancient Scheduled Monument (SAM) was located to the north of the site and this mound was screened by trees which were growing on and around the SAM.

It was noted that the site lay within Flood Zone 1.

The application site had not been allocated within the adopted Local Plan, and as such, had been advertised as a departure from the development plan. However, at the heart of the National Planning Policy Framework (NPPF) was a presumption in favour of sustainable development and as the Council did not currently have a five year supply of land for housing, this was a material planning consideration which carried significant weight.

As the application was for over 50 dwellings, it had been referred to the Planning Committee in accordance with the Council's Constitution.

A number of illustrations were displayed at the meeting, including a map, an aerial image of the location and photographs of its surroundings, an illustrative masterplan and a plan showing the four phases of the proposed scheme.

Under the terms of the Town & Country Planning (Environmental Impact Assessments) Regulations 2017, a Scoping Opinion was issued in 2018 and it was requested that the Environmental Statement include a full examination of the likely cumulative effect of the proposal on all principal topic areas; Members' attention was drawn to the Powerpoint slide which listed those topic areas.

The Environmental Statement considered the baseline position and the impacts of the proposal on the category areas and the mitigation measures were assessed as well as the facts and judgements on which the conclusions were based. The Council was satisfied with the contents of the Environmental Statement and it was recommended that the mitigation measures proposed could be secured by either a S106 Agreement or a recommended planning condition.

Speaking of the principle of development, the Planning Consultant said the proposal had been considered on its own merits weighing the economic, social and environmental benefits of the scheme against National and Local Planning Policy. The proposal had been comprehensively assessed with consideration given to the five year land supply, advice from technical consultees, letters of representation and material planning considerations.

Turning next to the phasing of the scheme, the Planning Consultant showed a series of slides which illustrated the indicative arrangements for the delivery of homes and supporting infrastructure. In terms of land use, the proposal would lead to the permanent loss of BMV agricultural land. However, in view of the abundance of BMV land within the District then this loss attracted only limited weight. Paragraph 4.9 of her report also set out the details for each phase.

In connection with transport, it was noted that the B1085 received a high volume of HGV movements. Highways England had not objected in view of the sustainable transport measures proposed. A further slide set out the existing conditions and the mitigation proposed. It was noted that among the measures proposed, the perimeter road would act as a bypass, there would be improvements to the junction at The Bell Inn to improve manoeuvrability, and a new car park and new drop off/pick up point at the station.

With regard to residential amenity, the Committee noted that both during construction and the operational phases of development there would be an impact on the existing occupiers. However, it was considered that the mitigation proposed would keep the degree of harm to an acceptable amount. Members were reminded that loss of a view would not constitute a material planning consideration.

Future residential amenity would be considered at the reserved matters stage.

With regard to visual amenity, the Planning Consultant said the proposal would alter the visual amenities from one of open farmland to that of urban development. Given the degree of physical containment provided by the existing development surrounding the site it was considered that the proposal would not appear as a significant obstruction into the open

countryside. This factor was afforded moderate negative weight in the planning balance.

In terms of ecology and green infrastructure, the existing use of the site as agricultural farm land provided an opportunity to create a habitat rich in biodiversity. Natural England had raised no objection to the proposal subject to appropriate mitigation, through the implementation and long term management of a Green Infrastructure strategy for the site, being secured through planning conditions. The Wildlife Trust welcomed the integration of green infrastructure and the aspirations to support wildlife habitats.

The application site was located in an area of high archaeological potential and contained the Howe Hill Barrow Scheduled Ancient Monument (SAM). Further undesignated barrow monuments were recorded in the vicinity. There were a number of listed buildings/structures outside the site. Discussions with Historic England had resulted in the creation of an appropriate buffer for the Howe Hill Barrow which when weighed against the public benefits of the scheme, there would be less than substantial harm.

Members noted that a number of infrastructure contributions had been requested by consultees which were proposed to be funded by Community Infrastructure Levy (CIL) receipts generated by the development. Paragraphs 11.324 – 11.329 of the Officer's report set out the infrastructure that would need to be added to the Council's CIL Regulation 123 List and the table in paragraph 11.330 gave details of the estimated CIL receipts arising from the scheme.

It was proposed that the CIL receipts would be specifically allocated to fund the infrastructure necessary to mitigate the impact of the development, and as such it was proposed that there would be a 'separate' Regulation 123 list to provide for this infrastructure.

Speaking of the planning balance, the Planning Consultant said that the application had been considered in the light of the Development Plan and the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

The social, economic and environmental benefits were afforded significant positive weight. Transport and highways would have a significant detrimental impact on Kennett and the surrounding highway network, but this should be tempered to moderate, in view of the mitigation proposed. The impact on visual amenities and landscape character were afforded moderate negative weight and archaeology and cultural heritage were afforded limited negative weight. Other matters were afforded neutral weight.

Having weighed all the factors into the overall planning balance and having regard to the presumption in favour of sustainable development as set out in the NPPF, along with all relevant policies of the Development Plan, it was considered that planning permission should be granted, as any adverse impacts were significantly and demonstrably outweighed by the benefits of the scheme, when assessed against the policies in the NPPF taken as a whole. The application was therefore recommended for approval.

At this point the Chairman reiterated that in the interests of fairness, each category of speaker would be permitted a maximum of 15 minutes in which to address the Committee.

At the invitation of the Chairman, Ms Nicky Parsons, Newmarket Horsemen's Group, addressed the Committee and made the following points:

- Development could take place without compromising the horse industry but the application had not addressed issues which would give rise to a significant impact on traffic;
- The limited scope to travel there had not been taken into account. You did not need to be a highways engineer to realise that this would add to the existing traffic problems;
- Suffolk County Council Highways had underestimated the impact of the proposal. Provision for cyclists and pedestrian was poor;
- The letter from Suffolk County Council had not addressed the importance of the horse industry. There were very real inadequacies because it suggested there would be no severe impact;
- The Newmarket Horsemen's Group believed there would be an impact on the safety and movement of all who lived, worked and visited Newmarket.
- ECDC's policy was to protect the horseracing industry and how it operated; and that policy was relevant;
- The report acknowledged the adverse impact on the horse crossings and stated a figure will be given to the horse racing industry, but no figure was specified or what this would contribute to. The Jockey Club had looked at the issue and concluded that conditions would be exacerbated;
- Horse crossings were only one aspect and thought should also be given to the visitors to Newmarket;
- The Committee should consider the impacts, which would outweigh the benefits of the development. Under the tilted balance, the application should be refused.

Ms Parsons then responded to comments and questions from Members of the Committee.

Councillor Cox asked which of the horse crossings would be seriously affected and Ms Parsons replied that there would be several on the way into Newmarket. Councillor Cox also advised that Suffolk County Council in their letter of 9th April stated no reasons to refuse the application and Ms Parsons advised this was incorrect, but the letter contradicts itself.

In connection with this, Councillor Chaplin wished to know whether she was suggesting traffic would be going to Newmarket or through the development. Ms Parsons replied that it would be both but Councillor Chaplin disagreed saying that there would be a balance because some people from

the development would not be going through Newmarket; they might only travel through Newmarket if they worked there. He then asked Ms Parsons to clarify her remark about the impact of the development. She responded, saying that the level of traffic would grow; there was already an existing problem, so when the vehicles from the new development were added, it would increase.

The Chairman asked Ms Parsons if the Newmarket Horsemen's Group opposed all development, and she replied that it did not, but just wished to ensure that it did not impact on the horseracing industry.

At the invitation of the Chairman, Ms Roberta Bennett, Newmarket Town Council, addressed the Committee and made the following points:

- With reference to the withdrawn Local Plan, the Inspector had said that Kennett 3 and 4 should be deleted. Not enough work had been done on the impact;
- She could not find the letter from Highways England dated 28th February 2019 and this should be made publicly available;
- It was unlikely that Newmarket would benefit from the development's assets and infrastructure;
- The application site had not been approved by the Local Plan process and therefore Newmarket Town Council objects to the development.

Councillor Hunt observed that some involved in the horseracing industry were very wealthy whereas others were not. He asked Ms Bennett if there was sufficient housing in Newmarket for those in the industry who were lower paid and she replied that Newmarket Town Council was looking at this. She could not give a definitive answer, but West Suffolk Council could provide an answer.

Councillor Ambrose Smith thought that although the Local Plan had been withdrawn, there was an argument for new developments with infrastructure rather than expanding existing settlements with piecemeal development and she felt that other communities should benefit from this proposal. Ms Bennett responded by reiterating that the site had not been included in the allocation.

At the invitation of the Chairman, Mr Terry Frost, Kennett Action Group, addressed the Committee and read out the following prepared statement:

'I'm here to speak on behalf of Kennett Action group. We oppose this application, and we argue that planning permission should be refused. It fails to meet several of the Council's criteria for new developments and conflicts with development plan policy in a number of ways, but my time is limited so I will focus on just three:

- *The new development lacks any general community support required by the Local Plan for such development, and has indeed attracted strong opposition from the vast majority of villagers along with our Parish Council and a number of neighbouring parish Councils and other local stakeholders.*

- *The little community support the Council can demonstrate is the result of a single vote held by the small and self-selecting Kennett Community Land Trust in 2017. Even this apparent support was based upon fears arising from a Local Plan which has since been withdrawn. It represents out-of-date fearmongering, and should not be considered meaningful support.*
- *Finally, we want to argue that the villagers reject the development with good reason. It is an extraordinary and exceptional departure from the norm and from other proposed developments, representing a 330% increase in housing, and nearly a 430% increase in population, in a village that according to your Local Plan is small and unsuitable for such disproportionate development.*

As your report states in section 11.3 on page 40, the development plan against which the application is to be considered is the East Cambridgeshire Local Plan 2015. This plan classifies Kennett as a small village with a development envelope restricted to the built-up part of the village where infill development may be permitted, in order to protect countryside. The Plan goes on to say that 'outside of the development envelope housing will not normally be permitted unless there are exceptional circumstances' and that 'housing schemes outside of the development envelope will be assessed against Policy GROWTH 2 and other Local Plan policies as appropriate'.

Policy GROWTH 2 states that 'outside defined development envelopes, development will be strictly controlled'. As stated in the report you have in front of you on page 41, point 11.7 'worthy of note and of relevance to this application are a number of exception criteria, notably community based development'.

The claim that this is a community-based development is crucial. That claim alone is what allows the Council to disregard the fact that this huge development is to be built outside the development envelope, and will hugely affect the countryside setting and character of our village.

East Cambridgeshire District Council has consistently maintained that the application has community support, and we have made repeated attempts to extract from them the necessary evidence to support this. Within the report you have in front of you today they repeat this assertion, and it is clear that the only community support they can evidence is the November 2017 vote of the Kennett Community Land Trust, or CLT. However, there are a number of problems with this. Crucially, the support afforded to this development by the Kennett CLT should not be confused with it having the support of the Kennett community, or of most Kennett residents. It simply does not.

The Kennett CLT is not a representative organisation democratically elected by Kennett residents, it is self-selecting and they have even refused membership to applicants who openly disagree with the CLT position on this development. Even with this self-selecting position, the vote of November 2017 was in no way unanimous, with 75 members in favour of the development and 33 against.

Beyond the CLT the lack of community support is clear – in 2019 139 letters were presented to East Cambs District Council opposing this application. Despite the claims of the CLT we are happy to be scrutinised on how these

letters were collected, and are satisfied that our results are reliable given the proven replicability of the collection. The Council's own IDOX system shows 172 public comments on the application – 161 in opposition to the development and just 10 in support. The numbers clearly do not add up to the conclusion that there is community support for this development.

Importantly, there is an additional problem with relying on the 2017 Kennett CLT to vote to support the designation of this application as 'community led'. Several times in your report, for example on page 93, point 13.2, and page 1, point 1.2, you will see stated that 'the application site has not been allocated within the adopted Local Plan and as such has been advertised as a departure from the development plan'. This is not the case. It was consistently advertised by its promoters as in line with the emerging Local Plan 2017, which classified Kennett as a medium sized village suitable for a development of 500 homes. When the Kennett CLT met in November 2017 to vote on their position on the application, it is against the backdrop of the emerging Local Plan that they were instructed to base their opinions.

Ahead of a Kennett CLT Special General Meeting in November 2017 the Chairman (Robin Swanson) sent an email to Members stating 'For those in doubt, the pending resolution is asking Members to allow the Kennett CLT to have some influence on the development in terms of housing density, road infrastructure/traffic calming, new amenities and affordable housing stock. Voting 'No' will simply mean we do not get that influence; it does not mean that the development will be taken out of the Local Plan'.

Councillors, this development has been taken out of the Local Plan because on 21st February of this year you voted to withdraw it and with that, this development was reduced to zero also.

Kennett CLT made it clear to Members and residents that it was in their interests to support this development rather than let it fall into the hands of a private developer who would end up building far more than 500 houses. Take, for example, this extract from the minutes of the CLT Special General Meeting at which the members were asked to vote on the development: 'ECDC want to build and they will build anyway, if we vote down the CLT resolution it will be no to 500 houses and yes to 1200 houses'.

Councillors, the claim that the CLT supports this development is hugely flawed, because their vote was undertaken against the backdrop of a different Local Plan which allowed for such development in Kennet, not to mention that the vote was secured through a process of fearmongering, misinformation and intimidation. The vote was won on the basis that it was part of the Local Plan and the development was going to happen regardless. This is no longer true, because that Plan was withdrawn and the 2015 Plan against which the Planning Committee must assess applications makes no allowance for developments of this scale. Our parish Council in fact asked if the CLT Board had consulted their Members following the withdrawal of the Plan since this clearly undermines the original vote, and was informed that the Board did not find any further consultation necessary.

Policy GROWTH 6 of the 2015 Local Plan which specifically addresses community-led developments, states that 'affordable -housing elements may be permitted outside of development envelopes as an exception where the scale of the scheme is appropriate to the location' and where 'the District

Council is satisfied 1) the scheme was initialled by and led by a local community group such as a parish council or a CLT, and 2) the scheme has general community support'. We would like to draw attention to the wording of this clause – it is not the case that under your planning guidelines the support of the CLT is sufficient to permit this sort of development, rather it is part of the necessary conditions along with 'general community support'. Clearly these conditions have not been met in the case of the Kennett Garden Village.

It is worth also turning to the first clause, albeit briefly. The claim of the Planning Officer's report, on page 93, point 13.5, that 'the scale of the development would not be out of character with the surrounding development' is quite staggering. This development would represent a 330% increase in housing in Kennett, and your Environmental Survey estimates that our population would increase by 1,150 as a result of the development (see page 45, point 11.28). This will represent some 430% increase in population. By anyone's terms the scale of this development is neither appropriate nor proportionate to the location and therefore fails to comply with Policy GROWTH 6. We can perhaps look to some of Palace Green Homes' other developments to see quite what a departure from the norm such an increase would be. Their King's row development in Ely was just 11 units in a town with a population almost 50 times that of Kennett. In Soham, at The Shade, 13 units comprising a 0.31% increase to the number of housing units in the town.

It is in the public domain that this development is financially crucial to both East Cambs Trading Company and to East Cambs District Council. East Cambs Trading Company's business plan states that their repayment schedule is 'significantly dependent on the £2m receipt from the Kennett development' – something that was restated by its CEO, saying that 'The Kennett site would be crucial for repaying the loan'.

Government guidelines for determining a planning application state that 'it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body,, and we ask that Members of the Planning Committee be mindful of this when considering the wealth of evidence we have provided showing that this development is not appropriate or proportionate and lacks the 'general community support' that your planning policy states necessary for the approval of this planning application.

This report would have the Members of the Planning Committee believe that the failure of the Council to deliver housing across the District and the resulting presumption in favour of development means that permission should be granted by this Committee. But the Committee can still weigh the balance to be given in terms of the impact on a small village that is being asked to bear the brunt of this failure, and can reject the application as failing to comply with Policies GROWTH 2 and 6 due to limited community support and the overwhelming nature of the development for our small village'.

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

Picking up on Mr Frost's point that support for the development was not community led, Councillor Goldsack noted that 108 votes had been cast

and over a third of the village were members of the CLT. Mr Frost replied that Kennett had a population of 315, so this equated to approximately 20% voting in support.

Councillor Cox asked Mr Frost about his comment that 500 houses would be built, followed by another 500. Mr Frost said that this had been stated by a member at the Kennett CLT meeting, his words being that ECDC would 'build anyway'; it was in the CLT minutes of that meeting that there would be 1200 dwellings.

Councillor Beckett wished to know how many members there were in the Kennett Action Group. Mr Frost explained that it was not a formal group, but had a small nucleus of supporters. They had managed to secure 139 votes against the proposed development, mainly by going round and knocking on doors. However, what was more important was the number of Kennett residents who were against the development.

Councillor Hunt asked if the figure of 139 referred to people or letters and Mr Frost said that 139 letters had been submitted; some were individually written and others were produced using a template. Councillor Hunt then reminded Mr Frost that financial matters could not be taken into consideration and Mr Frost replied that it was ECDC reaffirming how important this was, not him.

At the invitation of the Chairman, Mrs Joanna Reeks addressed the Committee in support of the application and made the following comments:

- Her family owned Dane Hill Farm and had lived and farmed in the area for over 80 years. She and her siblings operated the farm shop and café and their families live near the site;
- This was a unique location with superb connectivity;
- In recent years there had been numerous approaches from developers but it had been a deliberate decision to go with Palace Green Homes, one of the reasons being that the family liked their ethos;
- They had been actively involved in the scheme from Day 1;
- The development had been designed with a distinct character and she was excited at the range of facilities to be provided. It would not be just another housing estate;
- It would be important to create a scheme that would benefit the community in the long term and it had been based on ideas drawn from the community;
- The intention was to create an exemplary development with a new heart for the village and where people wanted to live. There would be a relief road, landscaping and open space with a significant increase in biodiversity, a low density of development and a large number of affordable homes. She hoped that the family's contribution would help alleviate the housing crisis;

- If approved, the scheme would provide huge benefits. It would enable the frequency of rail services to be improved, create jobs and enhance the environment.

In response to a question from Councillor Chaplin regarding the frequency of the rail service, Phil Rose, Head of Property & Development, Palace Green Homes, said it would be upgraded to hourly from December 2019.

At the invitation of the Chairman, Ms Lynne McCallum addressed the Committee and made the following comments:

- She was speaking on behalf of the Kennett Community Land Trust (CLT). The CLT had 145 members. Social housing was in desperate need and local people could not access local housing. The CLT wished to stop the fragmentation of the village and family life and would always help those in need. The proposed development would help local people so that they could stay in the village and live near family members. It could keep local people local;
- The CLT would have a direct monitoring role and 60 homes would be owned by the CLT, which would be rented or shared ownership;
- Kennett was a ribbon village at present and this would provide a heart. The development would bring fantastic benefits to the wider community: affordable low energy homes for rental or shared ownership, 400 new jobs during construction and operation, a modern school facility, a nursing home in the heart of the development, and additional parking at the station. It would be a garden village and the infrastructure would be in place before the dwellings. Also care would be taken regarding an increase in ecology and biodiversity and bridle and public footpaths improved as well as traffic calming and perimeter road being built;
- There was a very vocal minority who were against the development. However, Kennett CLT was speaking for the 'reasonable man' and she was proud to support it.

Councillor Hunt complimented Ms McCallum on her presentation and asked about her connection to Kennett. She stated she was a former resident of the village, she rented a property in Kennett but her landlord sold the property so she no longer lived there but having kept an interest in what was going on, the CLT Committee had allowed her to come and speak today. Councillor Hunt next asked her about the problems with housing and she replied that it was based on anecdotal evidence.

Councillor Beckett enquired whether there were any Kennett Action Group Members on the Parish Council, but Ms McCallum replied that she did not know.

At the invitation of the Chairman, Parish Councillor Anthony French, Vice Chairman of Kennett Parish Council, addressed the Committee and read from the following prepared statement:

'Kennett Parish Council would like to thank the Committee for the opportunity to speak, on behalf of the council we feel it important to convey the wider community view and in particular represent the views from all the residents of the village, whether or not they are members of the CLT. We would like to make the following points, many of which are in close consultation with the Local Plan 2015 and for which we consider to be material concerns in relation to the proposal. Many of these were made by formal objection but were not captured within the officer report so it is important we have this time.

The Parish Council wish to place an overriding summary objection to the above application for the following reasons:

This site is very large for the current village, which has 152 houses, to absorb (a 330% increase). ECDC outlined in the local plan of 2015 that they want to spread the development across the district on a prorata basis but this definitely exceeds normal development proportions by some margin. There is considerable strength of opinion in the village that this growth is disproportionate and unreasonable. If the development were to go ahead the current village would possibly become little more than a suburb of the new Garden Village and its identity would be lost.

The B1085 already carries excessive traffic because there is no east/north or north/east A11/A14 interchange link road. Increasing development in Kentford, as a primary development Village in FHDC, is already exacerbating this usage and a further 500 residences will bring another 2000 movements/day. In respect of material planning considerations within policies of the Local Plan 2015, the Parish Council comment as follows: Impact on residential amenity of local residents such as loss of light or privacy, overlooking, noise and disturbance:

Noise and disturbance - There is a very clear impact by significant increases in traffic in areas immediately outside the development for which there is no mitigation on volume, only flow. Volume is the impact and volume of traffic creates sustained noise to local residents 24/7. Further disturbance is added by construction traffic over a 9 year period.

Kennett is a small rural village surrounded by open countryside. The villagers enjoy the open views and rural amenity that this brings. A development of this size will have a significant effect on this amenity. In particular almost the entire rural aspect to the west of the village will be lost.

Impact on nature conservation and trees:

Loss of natural countryside – the development even with its proposed pockets of green space does not compensate permanent loss of open countryside containing fields and hedgerows abundant with biodiversity.

Impact on character of the area and whether the use is appropriate:

Size of proposal – A small village (as described in 8.18 of the Local Plan 2015) of just under 160 houses should not be expected to be increased by over 300%, this is simply not in context with the other East Cambs districts and unprecedented, disproportionate and unreasonable.

The character of the village is to a large extent governed by its size and associated infrastructure and facilities. Addition of such a large development to the village will significantly alter the character of the village and will significantly overstretch its facilities.

Impact of highways safety and parking:

Highways Infrastructure –The proposed development makes a limited attempt at improving the situation but this is simply not a resolution and will not reduce but increase the traffic still further.

Efforts are concentrated in the immediate vicinity of the development and does not consider the bottle neck created for traffic moving between the road over rail bridge to the Kennett Bell Public House junction. The roundabout at the Bell pub proposed deals only with flow of traffic not volume which will be significantly increased to residents living on this stretch, increasing noise and pollution and over degradation of health as a result.

Does the development conform to the policies in the Local Plan?

Policy growth 2 locational strategy

“Development will be restricted to the main categories listed below, and may be permitted as an exception, providing there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied”

This development does have a significant impact

Policy 4: Delivery of Growth (Part 1 Spatial Strategy and Policies)

“The sites identified below are allocated for development over the plan period”

Kennett is not defined as one of the sites

Policy Com 5: Strategic Green Infrastructure

Support is given to proposals which:

“Would not (by itself or cumulatively) have significant adverse impact in terms of the amount or nature of traffic”

This Development will have a significant impact on this

Community Led Development

The application is by collaboration with Kennett CLT. The Parish Council has concerns that the CLT is not representative of the village residents and the wider community view as demonstrated by a petition presented at a Parish meeting containing 156 signatures of objection, over double the figure of endorsements from CLT members.

The Parish Council in March 2019 wrote to the CLT board to request that they reconsider their position and ask their membership whether, in light of the decision to revoke the preparatory local plan 2018 and by reversion to the Local plan 2015, members still wished to support/proceed with the

application. The CLT board of trustees did not consider this to be an option and we record our disappointment in this respect. Whilst the CLT representing a closed membership may show support the Parish Council representing the wider open community does not.

In terms of material considerations The Parish Council draws attention to CLT reference points in the 2015 local plan as follows:

Policy Growth 5, reference point 3.7.1 states “Small-scale community-led schemes which meet a need identified by a local community will be encouraged”

A 330% increase in village size cannot be deemed as small scale development and with the broader community concerns mentioned above, the true “Community -led” support as per policy Policy Growth 5 of the 2015 plan is therefore questionable.

Policy Growth 6, point 7 “The scheme accords with all other policies of the Local Plan”

The Parish Council have referred to where the scheme doesn’t accord to other policy points of the Local Plan.

Finally, in a national context and from the Gov.uk website – Section 70 of the Town and County Planning Act 1990 Determining a planning application, sub section When should a ‘local finance consideration’ be taken into account in a material planning consideration?

Whether or not a ‘local finance consideration’ is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.

The leader of ECDC has made it publically clear through the process that there is considerable financial gain to the authority through this development by using its own trading company. This admission and clear drive in direction greatly conflicts with this national government guidance.

Thank you for your time and the Parish Council asks that its points are duly considered.’

Parish Councillor French concluded by saying that traffic was an issue and policy was questionable; he questioned whether 500 homes was the thin end of the wedge. He then responded to comments and questions from the Committee.

The Chairman asked about existing facilities in Kennett and Councillor French informed him that there was a pub, small school and a shop. The school was under capacity at about 90 pupils with a capacity for 110 pupils and located on a busy road. However, good use was made of the site. If a new school was built, it would be for the new development. He advised that the road was what was stretched and would bottle neck at the railway crossing.

Councillor Goldsack wished to know the number of members on the Parish Council and Councillor French said there were 5 or 6 co-opted and a number of vacancies. Councillor Goldsack having made the point that the co-optees were unelected, Councillor French replied that the Parish Council represented the whole community. Councillor Goldsack commented that the CLT had significantly more members at 108. Councillor French agreed but the Parish Council represented the whole of the village and was not a closed membership.

In response to Councillor Hunt's questions about village facilities, Councillor French stated that the pub was actually half in Kennett and half in Kentford and the shop was not in Kennett. The Parish Council meetings were held in the Kennett Sports Pavilion and prior to this they were held in the school.

When asked by Councillor Chaplin how facilities were financed, Councillor French said the sports pitch was owned by the Association and the pavilion had been financed by the sale of Kentford village hall. Councillor Chaplin then referred to Mrs Reeks' point about the community having been consulted and issues being addressed. Councillor French said there had been many comments about people not wanting development. They realised that this was not realistic, but should be of a smaller scale. Councillor Chaplin remarked that he saw a scheme that would deliver facilities and Councillor French responded, saying that people living between The Bell Inn and the railway line would be significantly impacted.

Councillor Beckett said that members of the CLT could stand for election and be democratically elected, so there was space for them on the Parish Council. Councillor French replied that the community view was that the CLT represented a closed membership, but the Parish Council represented the wider community. Two members of the CLT were on the Parish Council. However, members of the CLT left the Parish Council meeting when the CLT was discussed.

At the invitation of the Chairman, Councillor Julia Huffer, a Ward Member for Fordham Villages, addressed the Committee and read from the following prepared statement:

'I believe it is the job of a Ward Member to come to the defence of any of my constituents and help them as best I can. I am proud of the fact that over the last 4 years I have sat before you and argued passionately in defence of not only my own village of Fordham but also Chippenham and Kennett. I feel it is my duty to speak for those who, for whatever reason, cannot or are unwilling to come forward today.

My grandmother had an expression 'the baby that cries the loudest gets the most milk' and I think that is the case here. The Kennett Action Group are a small but very vocal group who have the support of some but by no means all of the residents and who have been able to gain the support of the local press. There is, in Kennett, an almost silent group of people who are unable and reluctant to speak out. I am not afraid to speak on their behalf.

Kennett is a lovely linear village. However, if you are unable to drive or you can't afford to run a car you are dependent on public transport for even the most basic needs. Last October I was helping at a litterpick in Kennett and I

asked a gentleman of senior age how he felt about the 500 homes and he smiled and said 'I'm 72, I have lived in this village all my life and in the next five years I will no longer be able to drive and I will have to move. I can't even get a newspaper or a pint of milk without having to drive so I would welcome the houses and all the benefits that they will bring.' He is not alone in his opinion.

As a resident of Fordham whose current expected housing growth is in excess of 600 homes asked the Vice Chair of the Parish Council what he would rather have – our current allocation of houses, many of whom are in unsuitable locations with no infrastructure benefits whatsoever, or 500 homes to one side of the village with a new school, shops, medical centre, a roundabout to ease a traffic blackspot and a relief road to take most of the traffic away from the centre of the village. Without hesitation he said the latter.

This is such a unique development in that it offers so much to the community with 60 houses that will be owned by the CLT and therefore the community in perpetuity with a range of housing allowing the young and old to remain in a place that they love.

Much has been made about how much community support there is for this development, and I can tell the Committee I was one of the volunteers who delivered invitations to every household in Kennett inviting them to the initial meeting. It was very well attended and nearly all of those who attended signed up to join on the spot, any others joined later, so to say that there is no community support is unfair. Not all of the residents wanted to join the CLT, not because they didn't want the development but because they didn't want to get involved. We must look at the democratic decision made by those people who wanted to be involved, after all decisions are made by those who show up.

I do understand the fear and anger felt by some residents and I empathise with the Parish Council who feel they are acting on behalf of their residents and I hate to be at odds with people I admire greatly for their tireless work in the village with the welfare of their residents always at the forefront of their mind, but I really do feel that this development led by the Community Land Trust will deliver quality housing for local people for generations to come.'

At the invitation of the Chairman, Councillor Joshua Schuman, a Ward Member for Fordham Villages, addressed the Committee and made the following points:

- He was a Director of the Staploe Educational Trust;
- Much had already been said, but the Planning Committee had the integrity to make fair decisions;
- He had seen unprecedented development in his Ward, but none could offer the infrastructure that this development could, and this was a material consideration;
- It would be sustainable in its truest form, providing a school, shops and provision for the elderly. It would offer low density housing and was unlike many other developments which he had seen;

- The Wildlife Trust welcomed the proposal as an improvement;
- This new development should not divide the community. Much had been made about the site not having been allocated, but it should be assessed in accordance with policy and the NPPF;
- Planning was never black and white. The countryside should be considered, but so also should be the presumption in favour of sustainable development.

Having exercised his right to address the Committee, Councillor Schumann then left the room.

Councillor Goldsack said he had listened to many reasons being put forward for refusal of the application, especially with regard to transport. He asked the Planning Consultant about the consultations that had taken place and she referred him to page 21 of her report which set out comments received from Highways England. She added that the development would not bring the roads up to capacity and it was therefore left to the transport Assessment to address traffic issues and conditions, S106 and mitigation measures would outweigh the adverse impacts. Councillor Goldsack then asked if Highways England was responsible for the A14; the Planning Consultant replied it was, but capacity issues had been reviewed and comprehensively assessed. Cambridgeshire County Council and Suffolk County Council had also not objected to the proposal in relation to capacity and the road network.

Councillor Beckett enquired about the housing needs for Kennett, and in particular affordable housing. The Planning Consultant explained that the Housing Officer would have had direct input to the process and numbers would have been based on the Housing Needs Assessment. She was unable to provide specific numbers, as they were contained in another document, but she would have had to take advice from the Housing Officer.

The Chairman announced a brief adjournment at 3.53pm; the meeting resumed at 3.58pm.

Councillor Beckett asked if there was a planned use for the area next to the existing industrial estate. The Planning Consultant said it would be Use B2 or B8, and the Planning Manager directed Members' attention to paragraph 4.7 of the report, which set out the land use and floor areas.

Addressing Members, the Chairman said that they had all heard the concerns about the effect on the horseracing community and the benefits and harm of the scheme. This was one of the largest applications to come before the Committee and they would be looking at the planning issues only. He asked that during debate, Members please try to confine their remarks to once only and he said that there would be a recorded vote on the application.

Councillor Goldsack said he had served on the Planning Committee for 2 years, and he thought today's presentations were some of the best he had ever seen. Red Lodge had doubled in size and had a new school, and the retail outlet was thriving. He did not want a missed opportunity because Kennett sat in a corner of the A14/A11 and what was missing was the link. He had some reservations about what was being done to the road and

concerns regarding the roundabout. However, overall the transport links were good and this development was infrastructure led which would create and enhance the community. He took on board the comments made, but all developments created traffic. He invited the Kennett CLT to try and engage with the Parish Council and the community, and said he would support approval of the application.

Councillor Hunt thought Councillor Schumann had put forward a balanced argument. He himself had spent 16 years as a Councillor, during which time he had always been told of the need for more houses and keeping families together. Housing was needed but infrastructure had to come first. This development would have a low density, 30% affordable housing with 150 affordable homes and 60 of them going to the CLT. There would be a village centre, a primary and pre-school, a shop and the station car park would be extended as well as new jobs. By the end of next year the A14 would be a motorway with 5 lanes each way, so why would motorists want to come through Kennett; he did not believe they would. He believed this application was something special. He had come to it with an open minded view and would vote in favour of approval.

Councillor Ambrose Smith commented that she had not visited Kennett in a long time and she had been struck by the proposal's similarity to old 'model villages' which provided everything needed for daily life. However, she thought the new development would be exemplary and would be a lovely place to live.

Councillor Edwards agreed, saying it would be marvellous for Kennett and the development would be phased in over 9 years. Burwell had taken a huge development, but unlike this scheme, it did not have any infrastructure.

Councillor Chaplin said he had weighed each argument, some being very positive and strong, and some not so. Everyone knew that traffic came off the A14 at Kennett. On balance he thought that Kennett Garden Village would be a sustainable enduring development and it was the right thing to do. In time it would be a magnificent settlement and he supported approval of the application. He too commended the quality of the presentations, declaring them to be 'absolutely first class'.

Councillor Cox said he had known the Station Road area for 25 years and the existing school was in a most unsatisfactory location. He thought the new school would be tremendous.

Councillor Beckett did not believe a motorway round Cambridge would make much difference to Kennett. He likened the proposal to that of a small boy in a toy shop being told that he could have whatever he wanted. The CLT may have asked what people wanted, but they had to take note of what was said. Kennett village, as it was today, would disappear; it currently had 160 houses, and his village of Isleham struggled to keep one shop alive with a larger population than what was being proposed here. He questioned how the proposed facilities would keep going.

The scheme looked good but it was aspirational and the link road would only benefit the 20 houses near the school. The three roundabouts on the link road would be subject to pollution from HGV's when they were slowing down and he struggled with this having community support. This

would be a new village and he was not convinced that the majority of the village was supportive of it. All the letters of protest had come from Kennett or the neighbouring villages. The density was very desirable but could give rise to applications to build in the back gardens. He believed that CLT's were good in the right place, but he did not feel that this was the right place. As such he could not support the application.

Councillor Austen agreed with the comments put forward by Councillor Beckett, adding that she was bothered that perhaps a lot of the residents did not want the development.

Councillor Smith was in favour of the scheme, saying that early infrastructure was a good idea and he believed the proposal was community led.

The Chairman said that this would be a massive change for Kennett, but the houses were needed. It would be easier to build near infrastructure and the development should not be regarded as 500 house having been 'tacked on'. This was infrastructure led with road and rail access; he believed it would create a more sustainable development and he would support the Officer's recommendation.

It was proposed by Councillor Cox and seconded by Councillor Hunt that the Officer's recommendation for approval be supported.

The result of the recorded vote was as follows:

For (8): Councillors Ambrose Smith, Chaplin, Cox, Edwards, Goldsack, Hunt, Rouse and Smith;

Against (1): Councillor Beckett;

Abstention (1): Councillor Austen.

Whereupon,

It was resolved:

- 1) That the requirements of Regulation 18 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 are satisfied by reason of the Environmental Statement;
- 2) That it be recorded that, in making the decision on the application, the Committee has taken into account the environmental information comprising the Environmental Statement that this information meets the requirements of Regulation 18 of the Town and Country Planning (Environmental Impact assessment) (England and Wales) Regulations 2017;
 - b) That planning permission be granted subject to:
 - (i) The satisfactory completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to contain the following:
 - 1) Phasing plans
 - 2) Affordable housing

- 3) Education (Primary School)
 - 4) POS/Green Infrastructure/maintenance contribution
 - 5) Delivery and management/or transfer of SUDS
 - 6) Provision of community facilities
 - 7) Travel Plan Co-ordinator
 - 8) Fully services self-build plots
 - 9) Enhancements to PROWs
 - 10) Enhancements towards SANG
 - 11) Delivery of Perimeter Road
- (ii) That planning application reference 18/00752/ESO application be APPROVED subject to the signing of the S106 Agreement and the recommended draft conditions, attached at Appendix 1 to the report, and delegate to the Planning Manager and Legal Services Manager authority to make minor amendments to the planning conditions (where appropriate) and complete the S106.
- c) **To recommend to Full Council** that the CIL regulation 123 List is amended to reflect the proposed allocations as set out in paragraph number 11.323-11.330 of this report.
- d) That the grant of planning permission for the development be referred to the Secretary of State, as required by The Town and Country (Consultation) (England) Direction 2009.

The Committee adjourned at 4.25pm and Councillor Rouse vacated the Chair.

The meeting resumed at 4.35pm, at which time Councillor Schumann reassumed the Chair for the remainder of the meeting.

154. 19/00155/FUL – SITE SOUTH EAST OF BURWELL MAIN SUB-STATION, WEIRS DROVE, BURWELL

Richard Fitzjohn, Senior Planning Officer, presented a report (reference T250) which sought full planning permission for a 49.9MW battery storage facility, fencing, landscaping, planting and site access on land adjacent to Burwell 400kV Substation at Weirs Drove, Burwell. The facility would be connected to the existing transmission grid substation, which is owned and operated by the National Grid.

Tabled at the meeting was the following proposed amendment to the wording of condition 20:

“20. After 25 years, the development including all associated containers and infrastructure shall be removed from the site in their entirety and the land shall be restored to its former condition in accordance with a scheme of work (to include how the batteries will be disposed of) submitted to and approved in writing by the Local Planning Authority.

20. Reason: to safeguard the character and appearance of the area and to reinstate the land to its original appearance, and to ensure suitable recycling of the batteries, following the expiration of the temporary consent applied for on the site, in accordance with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015”.

The application site was located along Weirs Drove, to the west of the main settlement of Burwell and outside of the established development framework. It comprised paddock/grazing land to the south of the Burwell 400kV transmission grid substation. The site and surrounding area was predominantly rural in nature, with agricultural fields to the south and west. However, there were two large electricity substations located within close proximity to the site and large electricity pylons to the west.

It was noted that the application had been called in to Planning Committee by Councillor David Brown. He considered that the Committee needed to consider the effects of this application on the local area, landscape, environment and the amenity of residents, bearing in mind recently approved applications.

A number of illustrations were displayed at the meeting. They included a locational map, an aerial image, a site plan, and elevations.

The main considerations in the determination of the application were:

- Principle of development;
- Visual amenity;
- Residential amenity;
- Noise impacts and environmental pollution;
- Traffic and transportation; and
- Flood risk and drainage.

Speaking of the principle of development, the Senior Planning Officer said that Policies ENV6 and LP24 supported proposals for the growth of the renewable energy and the low energy sector. The proposal would allow electricity to be stored in batteries and exported to the Grid at times of high demand and it would assist in balancing grid frequency at times of stress.

The proposed development would support the increasing reliance on renewable energy forms by providing a quick and flexible back-up energy source to the Grid at times of high energy demand, contributing to ensuring a reliable energy supply across the Grid. It would also help to facilitate electric vehicle charging infrastructure in the future.

Members noted a series of photo montage views of the location, which showed that the existing electricity substations and battery storage facility were in close proximity to the site. The proposed development would erode the rural character of the site and result in some harm to the character and appearance of the area. The battery storage equipment itself would be viewed against the background of an existing large scale electricity substation. The visual harm was considered to be caused largely by the erection of the 3 metre high acoustic fence which would appear as a stark urbanising and alien intrusion into this rural setting. However, weight should be given to the fact that a similar structure had already been approved on

land directly opposite the site and that a substantial landscaped buffer was proposed around the perimeter of the fence in order to assimilate this more readily into the landscape.

In terms of residential amenity, the application site was distanced more than 250 metres from the closest neighbouring properties and at such a distance the only potential residential amenity impacts related to noise. The noise impacts to occupiers of nearby residential properties were considered to be acceptable, subject to conditions set out within the Officer's report.

Members noted that a noise assessment had been carried out which took into consideration the cumulative noise impacts if operational with the adjacent battery storage development approved by planning application 17/02205/FUL. The assessment had been reviewed by the Council's Environmental Health department and they were satisfied that the noise impacts were acceptable subject to their recommended conditions. The Senior Planning Officer stated that predicted noise levels might change over time as the equipment aged, however noise impacts could be dealt with by conditions. It was also noted that with regard to environmental pollution, there would be secondary containment to prevent pollution from the batteries.

The Senior Planning Officer stated that alterations would be made to widen the existing access with Weirs Drove. The battery storage would generate very little traffic during its operation and there would be adequate space within the site for the parking of vehicles. The Local Highway Authority did not consider that the application had any implications that would affect the highway network and therefore had no objection in principle.

The application site was located in Flood Zones 2 and 3, but due to the specific locational requirements of the proposal it was considered that the development was acceptable and had passed the Sequential and Exception tests. The Environment Agency had no objections, subject to conditions. It was noted that a detailed surface water drainage scheme could be secured by condition.

The Senior Planning Officer said that while harm to the character and appearance of the area weighed against the application, on balance this would be outweighed by the sustainable energy benefits by supporting reliance on renewable energy forms and the benefits to the local and wider population of a more reliable energy supply. The noise and residential amenity impacts of the development could be made acceptable through planning conditions. There would be no significant traffic and transportation, flood risk and drainage, ecology and archaeology impacts. The application was therefore recommended for approval.

At the invitation of the Chairman, Mr Adrian French, Director of Planning at WYG, addressed the Committee and made the following remarks:

- This facility would deliver 2 gW of storage around the county and help to control grid frequency at times of stress;

- In November 2018, Claire Perry, Minister for Business, Energy & Industrial Strategy, had unveiled four projects worth funding of £100 million;
- At present the National Grid was using intermittent power supplies and what with new homes and businesses, the demand for power would increase with time;
- Burwell was one of 45 sites considered suitable for the location of the facility;
- A public exhibition had been held;
- There were design constraints but mitigation was proposed. The design would make use of the existing boundary vegetation and drainage concerns would be addressed, as well as additional planting proposed to assimilate the proposal;
- The proposal would sit in the shadow of existing infrastructure as well as providing key infrastructure.

The Chairman asked if there were aspirations to use anything other than lithium iron batteries, keeping in mind the environmental impacts of the scheme. Mr French replied that flow batteries were in use at Cowley and technology was ever changing.

Councillor Edwards had concerns regarding the scale of noise that would be audible and wished to know when the substation would come into operation. She also asked about the money that would come to the community in Burwell. Mr French said the substation would be connected in 2021. With regard to the financial aspect, he was happy to have discussions with local representatives; money had been provided towards education in other local areas. In terms of noise impact, the facility would have fast frequency reserve batteries, and fans at ground level within the acoustic fence. The noise assessment submitted was the worst case scenario.

Councillor Goldsack was interested in the charging for electric vehicles and asked if charging points would be set up or vehicles would have to come to Burwell to use them. Mr French assured him that it would not be the latter. Power would be cabled out to energy hubs, service stations of the future, as well as ports, and park & rides.

Councillor Chaplin wished to know for how long the batteries were capable of running, and Mr French replied that it was for up to one hour.

Councillor Beckett enquired whether any facilities were up and running and noted that there was a 3mW facility at the Arsenal Football Club. He then asked Mr French how the cumulative effect of the low humming noise was assessed. Mr French said that the consultants had taken background noise into consideration and information from the Aura application. It was considered that noise impacts would be acceptable, subject to mitigation.

Councillor Beckett continued, saying that we had now moved into the age of sustainable energy and this facility was the way forward. He was

content to endorse the application, subject to containment of any potential contaminated water on the site.

Councillor Edwards commented that she was still concerned with the noise level and industrial activities and the harm it was causing to this part of Burwell.

It was duly proposed by Councillor Goldsack and seconded by Councillor Beckett that the Officer's recommendation for approval be supported. When put to the vote the motion was declared carried, there being 10 votes for and 1 abstention.

It was resolved:

That planning application reference 19/00155/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report, with the amendment to condition 20 as tabled at the meeting.

155. 19/00213/OUT – MILL HILL, LITTLE DOWNHAM, CB6 2DU

Emma Barral, Planning Officer presented a report (reference T251, previously circulated) which sought outline planning consent for the removal of the existing structures on site and the erection of a single dwelling house and associated garage. All matters were reserved, except for scale.

Members were asked to note that the following comments had been received from Councillor Anna Bailey:

'My understanding is that, whilst the amount of available land on site for business/employment use would change if the application was given permission, the actual real world amount of use would not, as the amount of land available for that use is much greater than is actually in use or required and can and will be accommodated elsewhere on the site. Given that the actual use for business/employment will not reduce in reality, I think it would be helpful for the Planning Committee to consider this, as it may be able to take a pragmatic approach based on the actual use of the site in reality.

Second, the judgement about sustainability is one that has been examined a lot in the Downham Villages Ward by the Planning Committee in the past. This is an infill site, between two other dwellings, similar to those that have been considered by Planning Committee before, and I would therefore like them to consider this application also, again, noting that there have been no objections from consultees, residents or the Parish Council.'

The site was located to the west of the settlement of Little Downham, outside of the development envelope. It was half a kilometre from the main village to the east and occupied by modern storage sheds and temporary buildings. There was a separate access to the dwelling known as The Bungalow and to the north to serve the dwelling known as Hill Crest. Both dwellings were single storey on spacious plots and the site was surrounded by an open rural landscape and agricultural fields.

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

A number of illustrations were displayed at the meeting. They included a location plan, an aerial image, a plan of the proposal showing the boundary, the planning history with a layout indicating the Upper and Lower Yards, and photographs of the street scene.

The main considerations in the determination of the application were:

- Principle of Development;
- Loss of Business Use;
- Residential Amenity;
- Visual Amenity;
- Highway Safety;
- Flood Risk;
- Drainage; and
- Biodiversity.

The Planning Officer reminded Members that as the Council was currently unable to demonstrate an adequate five year housing supply applications were being assessed on the basis of presumption in favour of sustainable development unless any adverse effects of the development significantly and demonstrably outweighed the benefits.

Public transport links to the site were poor and there was no footpath, meaning that future occupiers would rely on the use of a car to access basic services. The public highway between the site and Little Downham did not benefit from pedestrian footpaths or street lighting, therefore any person choosing to walk between the site and the nearby village would have little choice but to walk on the public highway.

(Councillor Rouse left the meeting at 5.10pm).

The Planning Officer said the site was considered to be unsustainable as there were a number of sites locally within Little Downham as well as other nearby settlements within the District that were considered to be much more sustainable in terms of their suitability for residential development. In this respect the proposal failed to comply with Policy GROWTH 5 of the 2015 East Cambridgeshire Local Plan.

Turning next to the loss of business use, the Planning Officer reminded Members that the site was granted a Certificate of Lawfulness under application reference 18/01507/CLE on the 1st February 2019 to establish the site's use as a builder's yard (B8 Use Class). While the lower yard to the north of Hill Crest would remain, no evidence had been provided regarding the lack of viability as an employment site as part of the application, nor had any significant environmental or community benefits been evidenced which would outweigh the loss of the business use. The proposal was therefore contrary to policy EMP1 of the Local Plan 2015.

It was noted that there appeared to be more than sufficient distance to prevent significantly harmful impacts on residential amenity. The full impact

of the proposed dwelling would be assessed at the reserved matters stage once all of the details had been submitted.

The applicant had included scale as one of the matters to be determined and this was considered to be appropriate in relation to the impact on neighbour amenity.

The full details of the visual appearance had not been included within the application and would need to be assessed at the reserved matters stage. However, there were other residential dwellings directly to the north and south of the application plot with the existing (remaining) builder's yard (lower yard) to the north of the dwelling known as Hill Crest. Therefore the introduction of one dwelling would not be significantly harmful to the rural character and appearance of the area.

The Local Highways Authority had raised no objection, and while the layout of the development was reserved for future consideration, the indicative layout demonstrated that adequate parking and turning could be provided on site to serve the proposed dwelling. The agent had confirmed that access could be achieved from the existing access off Mill Hill, which had served the site for many years.

With regard to other matters, the site was largely given over to commercial timber storage and the buildings on site to be demolished were not considered suitable for the roosting of bats. It was therefore considered that the proposed redevelopment would not harm ecological interests on the site or in the wider area.

The site was located in Flood Zone 1 where the principle of development was considered acceptable. A scheme for the disposal of foul and surface water could be secured by condition.

The Planning Officer concluded her presentation by saying that although the proposal would provide an additional dwelling to the District's housing stock, this would be outweighed by the siting of the dwelling in an unsustainable location and an increased reliance on a motor vehicle to gain access to local services and facilities. Also the proposed development had failed to justify the loss of an existing business use on the site, and the application was therefore recommended for refusal.

At the invitation of the Chairman, Mr Ben Pridgeon, agent, addressed the Committee and made the following comments:

- The site was between two existing dwellings and the NPPF supported the effective use of suitable land, in this case, a small dwelling in the gap;
- There would be reliance on the car but there were a range of facilities and services in nearby Little Downham, therefore the site was sustainable;
- With regard to the loss of employment, he wished to clarify that the applicant was consolidating his business. There would be no loss as it was moving to the other site, in fact the business use could intensify in the future;

- No employment generated from the site as no one was employed and the loss of such a small area of land would not have an impact on employment sites and the focus should be on providing houses;
- A residential use of the site would be far more appropriate, as it was purely B8 use;
- The site was infill and it had no market for employment use;
- The proposal would have little impact on the character and appearance of the area;
- Employment opportunities might increase;
- Given the size of the site, residential use would be far more desirable.

At the request of the Chairman the Planning Officer again read out the comments made by the Ward Member, Councillor Anna Bailey.

Councillor Goldsack said that site visits were valuable and having visited the location he could not agree with the reasons for refusal. The site was only half a kilometre from Little Downham, and there was sporadic housing, so it was not unsustainable. It was not the case that there would be a loss of business because this would be at the north end of the plot. In view of this, he was minded to go against the Officer's recommendation for refusal.

Councillor Hunt thought the proposal was infilling as it was between two bungalows. There were houses along the road to Pymoor and Coveney. The Officer had made the correct decision but the plot was only a quarter of a mile from Little Downham and he did not believe there would be any loss of employment as there was nothing gainful going there. He too considered the location to be sustainable and would go against the Officer's recommendation.

The Chairman asked that Members be very specific about employment when looking at the Local Plan, as the District did not want to lose any employment. He concurred with the comments having been made, but nonetheless, it was frustrating for Officers as they have to consider any application in accordance with our approved policies which evidently do not accord with the views of Members. Councillor Hunt responded by saying that the Planning Committee could look at Officer recommendations and take a different view. Councillor Beckett added that in defence of Officers, the site was given over to commercial timber storage, as referred to in the report.

It was proposed by Councillor Goldsack and seconded by Councillor Hunt that the Officer's recommendation for refusal be rejected. When put to the vote,

It was resolved unanimously:

That planning application reference 18/01397/OUT be APPROVED for the following reasons:

- The proposal is not unsustainable. It is close to current built form and is only a ¼ mile away from the thriving village of Little Downham;

- The employment allocation is recognised but the loss of the allocated employment site is not significant due to the proximity of the alternative existing site where the use can be compounded.

It was further resolved:

That the Planning Manager be given delegated authority to impose suitable conditions.

156. 19/00237/FUL – 3 NUNNS WAY, SUTTON, CB6 2PH

The Chairman advised Members of a change to their list of registered speakers; he would permit Mrs Lynne Nunn to address the Committee.

Catherine Looper, Planning Officer presented a report (reference T252, previously circulated) which sought retrospective consent for the conversion of an outbuilding to a dwelling at the front of 3 Nunns Way. The outbuilding extended 11 metres in depth and was 6 metres wide across the frontage. It had been fenced off into its own plot within the curtilage of 3 Nunns Way.

The application site was located within the development framework of Sutton, out of the street scene away from the main highway behind the dwellings which fronted Pound Lane and The Brook.

The Committee noted that the application had been called in to Planning Committee at the request of Councillor Lorna Dupré, for the reasons as detailed in paragraph 2.3 of the Officer's report.

A number of illustrations were displayed at the meeting, including a location map, an aerial image, the elevations and layout of the proposal and photographs of the street scene.

The main considerations in the determination of the application were:

- Residential Amenity; and
- Visual Amenity.

In terms of residential amenity, it was considered that the residential use of the building was inappropriate in such close proximity to No. 3. The relationship was cramped and contrived and represented overly dense residential development on a plot which did not lend itself to residential development. The proposed dwelling failed to meet the requirements of the SPD Design Guide in respect of plot sizes and as such, future occupiers would be likely to experience a loss of amenity.

The overly dense form of residential development proposed by the scheme disrupted the pattern of dwellings and the spaces between them and was contrary to Policy ENV 2 of the Local Plan 2015. The previous use as an ancillary building to the residential dwelling was considered acceptable as there was an existing outbuilding in this location and it would be used as ancillary space to the main dwelling. The resulting harm from the conversion

of this building to a dwelling in this location would be significant in terms of its cramped appearance in relation to the rest of the street scene of Nunns Way and was considered unacceptable.

The parking arrangements for the proposed dwelling were located on a shared driveway, with inadequate space to manoeuvre and exit the site in forward gear. Vehicles would have to perform multiple manoeuvres in order to exit the site in forward gear and this would include having to reverse across the bend in the access road. It was considered that this would not be safe for all users of the private road or convenient for future occupiers of the proposed dwelling.

The Planning Officer concluded her presentation by saying that the scheme would cause significant harm to the character of the street scene and the visual appearance of the area by introducing a cramped and contrived form of development that was out of keeping with the character of the area. It did not comply with Policy ENV 2 of the Local Plan 2015, or the Design Guide and was therefore recommended for refusal.

At the invitation of the Chairman, Mrs Lynne Nunn, wife of the applicant, addressed the Committee and made the following points:

- They had gained approval to replace the garage with a gym/store;
- Mr Nunn was primary carer for his mother;
- Once completed, the building was the size of a one bedroom building;
- They had let a young couple move in and naively thought they could rent the property, but they were reported;
- None of the neighbours had any issues;
- Planning Enforcement advised them to either apply for permission or revert the use of the property back;
- There was ample space for 2 properties, the garden space complied with the Design Guide and a precedent had already been set at Darby's Yard for small plots;
- They would not sell off the property as it was part of the family estate, and all of the family had lived in the bungalow over the years. At times there were 5 cars parked in the drive, so she did not see where the proposal would cause problems. There would be no need for people to reverse out;
- The Local Highways Authority did not have any issues regarding turning or parking;
- The Council did not have a 5 year land supply, so this dwelling would help;
- The dwelling would be within the development envelope;
- She had spoken to Cadent about the gas main. They has said it was 60 metres away and not an issue;

- The Parish Council had raised no objections and Councillor Dupré supported the application.

Councillor Ambrose Smith thought the house looked very tidy and pleasant, but agreed that the applicant had been naïve not to seek advice and she asked if anyone had suggested that they should do so. Mrs Nunn replied that nobody had at that time.

Councillor Goldsack had a query about the right of way from No. 3 Nunns Way, and the Chairman advised him that the red line for the application had to cover the access.

Councillor Ambrose Smith asked if it would be possible to attach a condition tying the proposal to the main dwelling. The Planning Manager advised that this was not possible because the main dwelling was not within the red line; it was purely around the site that Members had visited earlier in the day.

Councillor Beckett commented that as an ancillary building it was okay, but as a standalone dwelling it was not acceptable.

Councillor Hunt said he could see no reason to go against the Officer's recommendation, as there were two valid reasons for refusal. The plot size was less than 300 square metres and the garden space was less than 50 square metres; the plot was of an inadequate size. He duly proposed that the application be refused and that his comments regarding the inadequate size of the plot be included in the reasons for refusal.

The motion was seconded by Councillor Beckett and when put to the vote,

It was resolved unanimously:

That planning application reference 19/00237/FUL be REFUSED for the reasons given in the Officer's report and an additional reason for refusal relating to the inadequate plot size.

The meeting closed at 5.40pm.

