

Minutes of a meeting of the Planning Committee
held in the Council Chamber, The Grange, Nutholt Lane,
Ely on Wednesday 5th March 2014
at 2.00pm

P R E S E N T

Councillor Joshua Schumann (Chairman)
Councillor David Ambrose Smith
Councillor Derrick Beckett
Councillor Lavinia Edwards
Councillor Jeremy Friend-Smith
Councillor Tony Goodge
Councillor Tom Kerby
Councillor Mike Rouse
Councillor Robert Stevens
Councillor Gareth Wilson

OFFICERS

Giles Hughes – Head of Planning & Sustainable Development
Services
Scott Jackson – Planning Officer
Janis Murfet – Democratic Services Officer
Sarah Steed – Senior Legal Assistant
Sue Wheatley – Principal Development Management Officer

I N A T T E N D A N C E

Councillor Colin Fordham
Councillor Bill Hunt
Councillor John Palmer
7 members of the public

87. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Councillors Philip Read, Peter Moakes, and Sue Willows.

It was noted that Councillor Richard Hobbs had also sent apologies because he had been due to substitute for Councillor Willows, but was now unable to attend the meeting.

There were no substitutions.

88. **DECLARATIONS OF INTEREST**

There were no declarations of interest made.

89. **MINUTES**

With the agreement of the Chairman, the Democratic Services Officer explained why Members had two sets of minutes before them.

Those for 22nd November 2013 had been overlooked and therefore needed to be brought to Committee, confirmed as a correct record and signed by the Chairman as soon as possible.

With regard to the minutes of the meeting held on 5th February 2014, it was noted that Councillor Allen had been unable to attend the meeting and had sent comments which were made available to the public on the day. The Case Officer had made reference to them when presenting his report, but had not read them out in full.

Following publication of the March Planning Committee agenda, Councillor Allen had requested that his comments be recorded in full, in keeping with the other speakers at that meeting. A copy of the amended minutes, containing a full transcript of his comments was therefore tabled.

It was resolved:

That the minutes of the meetings held on 22nd November 2013 and 5th February 2014 be confirmed as a correct record and signed by the Chairman.

90. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- Members were requested to stay at the end of the meeting, as Andy Smith, Senior Enforcement Officer, would give a short talk on the Council's Local Enforcement Plan;
- The Community Infrastructure Regulations have been amended to include relief for Self-Build and Residential Annexes or Extensions. This change in Regulations took effect on 23 February 2014 and applies to self-build dwellings where the applicant is building their own home, as their principal dwelling, and intends to live there for a

minimum of three years. The same principle applies to residential annexes or extensions.

Relief is not given automatically, it must be applied for by the applicant prior to the commencement of development. If the development has commenced without the Council granting relief, then the right to relief is lost. A person wishing to claim relief should read the Regulations carefully, the Department for Communities and Local Government has also produced a guidance note to assist applicants in their understanding of the relief and the process that must be followed. These documents are available on the Council's website.

If anyone has any further queries please speak to Emma Grima, Infrastructure Programme Manager.

91. **13/01129/FUL – ERECTION OF A NEW GUEST ACCOMMODATION ANNEXE TO LAND AT REAR OF PUBLIC HOUSE. TO COMPRISE 9 ROOMS WITH EN SUITE BATHROOMS FOR GUESTS. EXTENSION AND UPGRADING OF EXISTING CAR PARK – THREE BLACKBIRDS, 36 DITTON GREEN, WOODDITTON.**

Scott Jackson, Planning Officer, presented a report which set out details of the application, the applicant's case, the site and its environment, the planning history and relevant factors and policies.

A Members' site visit had taken place prior to the meeting.

The Committee noted that two further letters of objection had been received from neighbours, raising the issues of conflict regarding the Public Right of Way and tree protection, concerns about noise, financial viability, people returning late at night from the Newmarket races, and loss of residential amenity.

In summarising the main points of his report, Mr Jackson reminded Members that the application sought permission for the erection of a guest block and additional car parking to provide tourist accommodation for the existing public house. The proposal was outside the settlement boundary for Woodditton where development was strictly controlled.

The main issues for consideration were the principle of development, the impact on the listed building and countryside, and the impact on residential amenity.

The Committee was shown a number of slides which included an aerial view and illustrative plans and layouts for various aspects of the site.

It was noted that financial and supporting information had been submitted with the planning application. Mr Jackson said that whilst it was

acknowledged that the development would be outside the settlement boundary, on balance it was considered that sufficient information had been provided to demonstrate that there was a need for the development in this edge of settlement location, and that it would help to support and diversify an existing community facility in Woodditton. By virtue of its scale, mass, height, siting and design, the proposed guest accommodation block was considered to preserve the character and appearance of the listed public house. It was not considered to give rise to loss of residential amenity or highway/pedestrian issues.

The Chairman asked whether Members had had enough time to review all the papers, but no one asked for further time.

At the invitation of the Chairman, Mr Keith Hutchinson spoke in objection to the application and made the following comments:

- He had been instructed by the owners of No. 32, 38 and 40 Ditton Green to object to the proposal, as their properties all directly adjoined the application site and they were all affected by the proposed development;
- No sequential test had been requested or undertaken, even though the development related to a specified town centre use;
- The proposal did not comply with Policy EC8;
- Woodditton was a small village and new tourist accommodation should be in Newmarket;
- The site was outside the development envelope and the proposal would be divorced from the built form of the village;
- There was no justification for the height and bulk because the building was out of scale and would have an overbearing effect;
- Viability was not an issue because the pub was successful and well used;
- The proposal would detract from residential amenity
- The specialist report concluded that inadequate thought had been given to some aspects of the application;
- Many of the trees on the boundary would be heavily cut back;
- The Parish Council had unanimously recommended refusal and the application was strongly opposed by the local community;
- Considerable weight should be given to local views.

At the invitation of the Chairman, Mr Mark Thackeray, agent for the applicant, addressed the Committee and made the following comments:

- With regard to Mr Hutchinson's comments, there was nothing in the list of objections that had not been fully considered by the planning officers;
- The sequential test was never raised because this was a small b&b;
- In terms of scale and impact, this was the second application. The first was withdrawn when it became apparent that it might be refused;
- The scale of the site was in accordance with the advice given. The proposal had been designed to give the feel of an agricultural building;
- This was a sustainable community asset and the proximity to Newmarket could not be ignored. Tourism South East had said there was a shortfall in tourist accommodation in the area, and the premises were already in commercial use;
- The proposal should be thought of as a village inn, where one would expect there to be drinking, dining and accommodation;
- He refuted the objection that there would be an overbearing impact. The building had been moved down the site (at risk to themselves), and besides which, most of the houses were built on land originally owned by the pub;
- Without accommodation the pub could be at risk.

Mr Thackeray then responded to comments and questions from Members.

Councillor Friend-Smith asked how the height of the proposed development compared to that of No. 38 Ditton Green. Mr Thackeray replied that it was what one would expect of a two storey building. He did not know about No. 38, but assumed the height would be similar. Mr Jackson stated that the properties visited on the site visit were higher than the guest accommodation by another metre.

Councillor Stevens expressed concern regarding potential disturbance and sought assurance that the guest accommodation would be run in such a way to have control over this. Mr Thackeray said there would be absolute control. Staff would be living on site and they would not want to be woken by noisy neighbours.

Councillor Beckett posed two questions. He wished to know whether there had been any complaints in the past regarding noise and cars, and whether it would be totally necessary to remove the bund. Mr Thackeray informed him that he was not aware of any complaints to the management

about customers, although some of them parked out on the street rather than in the car park. With regard to the bund, its removal would be necessary if they were to achieve the desired level of car parking.

Councillor Kerby commented that he knew of two establishments in Newmarket that were closing because of a lack of trade and he wondered how the pub would fare any better. He asked Mr Thackeray whether the occupancy rates were based on tourism or just Newmarket race days. Mr Thackeray said that they were not trying to compete with the likes of the Premier Inns, this was leisure tourism. They needed to achieve 60% occupancy throughout the year for it to be a viable concern, and they hoped it would be closer to 80%. Part of the attraction was that it was out in the countryside rather than in Newmarket itself.

Councillor Kerby next raised the issue of access to the accommodation late at night when people were coming back from the races. Mr Thackeray stated that guests would use the drive and car park. There had been discussions about how the car park could be surfaced to minimise the noise from car wheels and the 9 car park spaces would not be near the pub.

In response to a question from Councillor Goodge, Mr Thackeray confirmed that the guest accommodation would not be turned into a hotel and licensed premises. The Head of Planning interjected to say that the Local Planning Authority still had control over any future changes to the permission, and Mr Jackson confirmed that this was covered by condition 9 in his report.

Councillor Rouse said he had found the site visit to be very valuable. Having been struck by the newish properties, he asked if they had influenced the design of the building. Mr Thackeray replied that the houses were replacements of agricultural buildings. Because the initial application (subsequently withdrawn) was unsatisfactorily close to the listed building, on the advice of the Conservation Officer, the proposal was moved to the back of the site. The design was a conscious decision.

Councillor Beckett commented that the pergola walkway could potentially amplify sound and he asked if any thought had been given to mitigation. He was informed that they did not believe it would be an issue because there was not going to be a great deal of noise generated.

At the invitation of the Chairman, Mr Andrew Le Maire spoke on behalf of Woodditton Parish Council and made the following remarks:

- The Parish Council had major concerns about this application and resolved at its meeting on 13th February to lodge a unanimous formal objection for a number of reasons;
- It involved building outside the defined development envelope and was against Policy CS1 of the Core Strategy. It was an important part of the official Parish Plan to maintain the integrity of the envelope;

- The scheme was overdevelopment in relation to the size of the site and was out of keeping with the appearance and economic needs of the local neighbourhood;
- The windows of the first floor would overlook adjacent properties and deny privacy to The Barn House and No. 32 Ditton Green;
- There were potential problems of noise and light pollution from a commercial development in a residential neighbourhood;
- There were a number of technical issues including inadequate provision for upgrading the foul water drainage in an area where low pressure and capacity already caused difficulties, extra traffic and inadequate access and parking and restriction of the width of a footpath which passed through the site;
- The application was for a business development which was not the kind advocated in the Parish Plan. This supported locally managed businesses which met local needs. It seemed clear from the reports accompanying the application that the ownership of the business would be with large corporate bodies with no local connections;
- The existing pub business seemed to be successful and the need for letting rooms was already met by small scale facilities in the Parish, plus many larger ones in Newmarket.

Councillor Friend-Smith noted that there were great similarities between this application and that of the Red Lion at Kirtling, which had been granted permission at Planning Committee in February.

There was the same issue of land owned by the public house being partly within and partly outside the settlement boundary. He thought the boundary issue to be somewhat idiosyncratic and saw no reason to go back on the decision made in February. There was no intention to extend the facilities and he felt that this proposal could be attractive to people.

Councillor Kerby disagreed, saying that the Kirtling application was for a house, whereas this application was of a totally different scale. His main concern was regarding the viability of the additional rooms.

Councillor Rouse reminded Members that full Council had passed a motion to support public houses in the District. The days of the old ale house were finished and establishments now needed to serve food and be able to offer accommodation. He thought the applicant had put forward a good business case and there was no good reason not to support the Officer's recommendation.

Councillor Stevens said there was already lots of back land development and he thought it would be odd to deny this opportunity to the pub. He had concerns about the issue of noise, but this was covered by conditions. With regard to parking, he felt sure that people staying in the accommodation would want to park as close to their rooms as possible rather than out on the road. The matter of drainage and water pressure was for the water authority to address. He felt that Members should do their best to ensure that pubs had a good future, and in the light of this, he would support the Officer's recommendation.

Councillor Beckett declared that he had struggled with some of the comments made and there were three issues he felt should be addressed:

- In relation to parking next to No. 32 Ditton Green, if the bund was removed, something should be put in place to mitigate the noise of cars pulling up to the boundary;
- Any lighting should be low level or inward facing;
- Something should be done about the raised walkway, possibly installing a Perspex screen, because sound carried at night and two people talking could make a lot of noise.

Mr Jackson responded, saying that soft landscaping incorporating the bund had been suggested, lighting was covered in the conditions, and thought would have to be given regarding a Perspex screen as he wondered whether this would be considered an adverse impact on the Listed Building.

Councillor Goodge asked that a noise management scheme be included in the conditions and Mr Scott said that an informative would take account of this.

The Chairman requested, and it was agreed that an informative would also be included in respect of the power lines.

It was resolved:

- 1) That planning application reference 13/01129/FUL be approved for the reasons set out in the Officer's report and subject to the conditions set out in the Officer's report, with the Head of Planning & Sustainable Development Services being given delegated authority to impose an appropriate condition regarding soft landscaping and to explore the possibility of amending the parking layout to retain the bund;
- 2) That an informative be added in respect of the power lines.

The meeting closed at 3.02pm.