



AGENDA ITEM NO. 3

Minutes of a meeting of the Planning Committee facilitated via the Zoom Video Conferencing System at The Grange, Nutholt Lane, Ely on Wednesday, 4th November 2020 at 1:00pm.

PRESENT

Cllr Bill Hunt (Chairman)
Cllr Christine Ambrose Smith
Cllr Sue Austen
Cllr Matt Downey
Cllr Julia Huffer (as a Substitute Member)
Cllr Alec Jones
Cllr Joshua Schumann
Cllr Lisa Stubbs
Cllr John Trapp
Cllr Gareth Wilson

OFFICERS

Maggie Camp – Legal Services Manager
Barbara Greengrass – Planning Team Leader
Molly Hood - Planning Officer
Anne James – Planning Consultant
Rebecca Saunt – Planning Manager
Adrian Scaites-Stokes – Democratic Services Officer

IN ATTENDANCE

Mr Andrew Moffatt – Applicant's Representative (Agenda Item 5)
Mr Richard Haysom – Applicant's Representative (Agenda Item 5)
Cllr Mike Rouse – City of Ely Council (Agenda Item 5)
Ms Susan Stepney – Applicant (Agenda Item 6)
Mr Charles Whyte – Applicant (Agenda Item 6)

48. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Councillors David Brown and Lavinia Edwards. It was noted that Councillor Huffer would act as a Substitute Member for Councillor David Brown for the duration of the meeting.

49. DECLARATIONS OF INTEREST

Councillor Jones revealed that he had previously talked to the Applicants with regard to agenda item 6 and so would not vote on that application.



50. **MINUTES**

It was resolved:

That the Minutes of the meeting held on 7th October 2020 be confirmed as a correct record and be signed by the Chairman.

51. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- Adrian Scaites-Stokes, Democratic Services Officer, was welcomed to the Committee meeting, as he would be taking over the clerking from the previous officer.
- Consultant Planning Officer Dan Smith would become a full time member of the Council's Planning Department, as a Senior Planning Officer, from the 1st December, and was described as an exceptionally competent officer and was welcomed to the Council.

52. **20/00730/FUM – SWIMMING POOL, NEWNHAM STREET, ELY**

The Committee considered a report, reference V92 previously circulated, for an application for the erection of 13 dwellings and associated parking and landscaping at a Newnham Street Ely site.

The Planning Consultant sought approval for the application, subject to a Section 106 (S106) agreement and suitable conditions. The site had a long access road and was surrounded by a play park, sports hall, parking area and the rear gardens of nearby houses.

Cllr Downey joined the meeting at this point, 1:10pm.

The proposal consisted of an access road into a parking area, with the site consisting of a terrace of one 5-bedroom dwelling, six 3-bedroom market housing and two 1-bedroom study flats with gardens plus four 1-bedroom affordable housing apartments opposite, which would face the sports hall. There was no intention to gate off the entrance, allowing free access to the site.

The main considerations in determining this application were: the principle of development, residential amenity; visual amenity; access and highway safety; flood and drainage risk; ecology and biodiversity; affordable housing; other matters.

Principle of Development

The application site was covered by policy ELY3 of the adopted Local Plan 2015 for a mixed use scheme, providing residential uses, car parking and community uses as appropriate. It would not be against policy ELY3 to consider this area of the allocation, as the housing phase would leave the Newnham



Street Car Park and Sports Centre retained for community/mixed use. The proposal would not compromise the ability of other parts of the allocation from coming forward in the future. The Local Plan acknowledged that the delivery timescales for parts of the allocation site were under third party control and the policy provided a vision for the area, and key principles, which redevelopment schemes for all or part of the area would need to accord with.

Residential Amenity

Due to the design, there was no potential for overlooking from the proposed dwellings to the dwellings in Lynn Road. The proposal was reduced in bulk and massing compared to the old swimming pool building and consideration had been given to the overall design to ensure future residents' residential amenity would be acceptable. The Applicants would be required, under Condition 19, to give details of their re-routing of the current footpath during the construction of the development, to ensure access for pedestrians to and from the city centre.

Visual Amenity and Historic Environment

No listed buildings would be affected. The proposal had been designed to provide views through the site, when viewed from the public open space in Deacons Lane, of the Cathedral beyond and therefore would open up a key view that was previously obscured by the old swimming pool building. The Conservation Officer had raised no objections to the proposal and overall there would be a neutral contribution to the visual amenity of the area.

Access and Highway Safety

Service and delivery vehicles would be able to access the site. The buildings would be constructed off-site as module buildings and then placed in situ, meaning there would be minimal disruption. The footpath would be retained, allowing access through from Deacons Lane to the city centre. Due to the reduction of traffic volumes, as the swimming pool had been demolished, parking would not be a problem. Even though there was an under-provision of parking on the site, this was deemed acceptable due to the site's location.

Ecology and Biodiversity

The site would provide new gardens and courtyards with the potential to enhance biodiversity and this would be secured by condition.

Affordable Housing

The four 1-bedroom affordable housing units were intended to be sold at £100K each, as discounted market sales homes, which was one of the defined forms of affordable housing, as set out in detail within the report, meeting the requirements of policy HOU3.

Other Matters

There were no concerns over potential flooding of the site.

The application met the requirements of both national and local plans and was therefore recommended for approval.



At the invitation of the Chairman, Mr A Moffatt spoke on behalf of the Applicants and made the following comments:

- The application for residential development on this site was not against the Policy ELY3.
- The supporting text to the Policy stated that housing would be the most appropriate use of the site.
- Paragraphs 7.47 and 7.48 of the officer's report made it clear that this proposal would make a neutral impact on the visual amenity and the proposal would enhance the area.
- The site would open up a key view of the Cathedral.
- Comparing the proposal to the former swimming pool building would show how it would enhance the area, as bulk and massing would be reduced.
- There was less demand on parking in this area, as the swimming pool was no longer there.
- Refuse vehicles would be able to access the site.
- A bin store would be provided, as requested by the waste services.
- The visual amenity would not be compromised.
- It would provide a good mix of housing.
- Parking would be adjacent the footpath, accessed over a shared use area, which would be of a typical highways standard.
- There would be a nett environmental gain.
- The surface water scheme was acceptable.
- The provision of £100K affordable housing was a new concept.
- The proposal would accord with national and local policies.
- It would be a sustainable development.

Councillor Trapp suggested that the £100K homes did not have to be specifically supplied on this site and could be provided anywhere else, therefore this was not relevant to this application. In reply, Mr Moffatt reminded the Committee that under the Section 106 (S106) agreement, four of the houses had to be at £100K to comply with Policy.

Councillor Wilson questioned the position of the affordable homes and queried why they were for sale and not for rent. He also wanted to know what conditions would be included for their re-sale. Mr Moffat explained that those homes were units 8 to 11 and would be for sale. This was only one form of affordable housing, as set out in the National Planning Policy Framework, and came with a significant discount from the market value of those homes. The re-sale value of those homes would be set out in the S106 agreement, so it would be controlled, to ensure they were retained as affordable housing. This would mean that the proportion of the value would be taken forward, so any re-sale would not be a full market value. The value of other similar, market, houses were estimated at between £170K to £180K.

Councillor Schumann asked whether the Applicants had engaged with the City Council, whether it had raised any concerns and whether the application had been changed as a result. Mr Moffatt confirmed that a presentation had been given to the City Council and it had highlighted some issues. A response had



been given with an explanation about those concerns. No specific changes had been made to the application, but clarifications had been made. Discussions had also taken place with the District Council and amendments made prior to the proposal's submission.

Councillor Downey noted that it had been stated a significantly greater discount had been given on the affordable housing and he requested clarification of that figure. Mr Moffatt said this was significantly more than the usual 20% discount.

At the invitation of the Chairman, Councillor M Rouse spoke on behalf of the City of Ely Council and made the following comments:

- The City Council were opposed to this development in principle, with nobody in favour of it.
- The land had been purchased by the previous Ely Urban District Council to protect it from development.
- It was not a good scheme, as it was contrived and would be cramped on this site.
- The site itself had been used for recreational purposes and should continue to be kept for those purposes.
- The development would have an adverse impact on the existing play area.
- A few more affordable houses was too high a price to accept this proposal.
- The one-off sale of this land would do nothing for the community.
- This would be a huge opportunity missed and would be the start of residential development of the Paradise site.
- The City Council had not been consulted on what this site should be used for, so the District Council should enter talks to consider the use of this site.

Councillor Jones noted that Councillor Rouse had alluded to other uses of the site and asked what they could be. Councillor Rouse reiterated that the site had been for recreational use, was a city centre site and the previous swimming pool had contributed to the city centre by drawing people in. He had nothing specific to suggest for the site, but when the opportunity arose it should be used to explore possible options to attract people into the centre. The City Council did not get the opportunity to consider other options that could have benefitted the city.

Councillor Trapp wondered whether the projected splash pool could be moved to this site. Councillor Rouse acknowledged the recreational use of the site and it was extremely important that children could play outside. The idea of a splash pool was supported and whether it could be installed on this site could be explored. The £100K houses could be built elsewhere.

Councillor Stubbs noted that the City Council had been consulted and asked what suggestions it had made for this site's development. The proposal met the ELY3 Policy requirements, and the Local Plan had been adopted by the Council. Councillor Rouse stated that the City Council had been presented with



a housing scheme, which the Council did not like in principle, and rejected the proposal as it was not for a residential site. This site had been looked at many times, but this proposal would be piecemeal development.

Councillor Downey encouraged Councillor Rouse to expand on his comment about whether any other developer would get permission for this site. Would a higher proportion of affordable housing be acceptable? Councillor Rouse thought this would be difficult for Members, as it was the District Council's Trading Company putting this application in, and they needed to look at the planning issues. The principle of building there was a sticking point, though social housing might be an appropriate use.

Councillor Schumann reminded the Committee that Policy ELY3 specified a mixed use scheme for this area, with any development to be an enhancement of the Conservation Area. He asked whether the City Council believed that residential development should be done around the Paradise site and whether this scheme would enhance the area. Councillor Rouse conceded that it could be possible to have some residential development on the site as a whole, but it would have to be designed so that there was no conflict with the Paradise field. The architect had done their best, but it was a difficult site and would cause problems and the proposed scheme would not enhance the area.

Councillor Hunt asked the Applicant's representative whether the development would affect the cricket played on the Paradise field, whether it would intrude and what had been presented to the City Council. Mr Moffatt could not see any way in which the development would impinge on the field, as there were existing trees in between the site and the field. The development would be within the site of the previous swimming pool, so would not impact on the field. A virtual meeting had been held with the City Council, after information had been given in advance, and the proposals had been presented. The response had been a rejection, not to the specific proposal, but to development on this site in principle.

Councillor Wilson wanted to know how the Planning Department would ensure the affordable housing would remain so into the future and how this would be monitored. He thought the scheme could have been better and the affordable housing should be for rent. However, there appeared to be no planning reasons why the application should be rejected.

The Planning Consultant reminded the Committee that the application would be subject to a S106 Agreement, so this would be used to secure the affordable housing and retain the continued use of that housing as affordable in perpetuity. If not, then appropriate action could be taken. The Planning Manager stated that the legal agreement would be tied to the land and properties in perpetuity. Any modification to that would have to be applied for to the Council.

Councillor Trapp asked whether the footpath would remain, how surface water would be discharged, stated there was no opportunity to have electric vehicle



charging points and commented that the bike store was very small. The Planning Consultant explained that a new footpath would form part of the shared space, the Local Lead Flood authority had stated that they were happy with the surface water discharge arrangements, and a drainage condition would be included in the agreement. There were cycle stores within each property and charging points could be fitted retrospectively, but there was no policy requirement at present to supply them.

Councillor Hunt, in picking up that last point, asked if charging points could be installed at a later date. Mr Haysom confirmed that was possible, as standard charging points could be fitted without any issues.

Councillor Ambrose Smith noted that the land was a 'brown field' site and the scheme would be pleasant with four £100K houses, giving first time buyers an opportunity to purchase a home.

Councillor Jones thought the proposed housing would be adequate and it was a fairly nice scheme. He was concerned about the potential loss of the site, as the loss of an attraction would affect the High Street. Other possible uses of the site had not been explored, as the City Council did not want a residential development there. He was reticent to approve the application and wondered whether this could come back in the future to explore other options.

Councillor Schumann was looking for consistency in the Committee's decision making. This application had a significant lack of support from the parish and local Members. Refusing this application could lead to an appeal, whereas approving it would be the end of the matter. In light of the discussions it was important to be seen to be doing the right thing. Fundamentally this was a 'brown field' site and there was a current housing crisis, so there was some merit in the scheme, as it would provide much needed housing. Where the application fell down was that it would not enhance the Conservation Area, although there would be no adverse impact. Perhaps this application should be deferred.

Councillor Stubbs was mindful of the City of Ely Council's views, as it had been consulted. However, the City Council had been heavily involved with the ELY3 Policy, which included for residential development as part of a mixed use scheme in this area. There was a housing crisis and this application would give a fantastic opportunity for people to live in the city centre in starter homes. The site would also provide a good view and open up views of the Cathedral. She therefore proposed that the application be approved.

Councillor Ambrose Smith seconded the proposal, stating that it was similar to some schemes used in Cambridge with a communal area and gardens.

Councillor Trapp thought the diagrams were misleading, as it was a cramped site. The problem centred on what the site should be used for. The £100K houses were good but could be built elsewhere in Ely.



Councillor Downey suggested that the application could be rejected, as it would not enhance the Conservation Area. If a residential development was wanted it should go above and beyond the minimum requirements. It would not be much use deferring the application, so it would be best to reject it and hope the Applicants came back with an enhanced scheme to benefit the community.

Councillor Huffer agreed that it was a 'brown field' site and informed the Committee that a similar scheme in Fordham, with eight £100K homes, had generated enormous interest. The Committee was reminded that the parishes had many occasions where developments had been forced onto green field sites. Ely was blessed with many leisure facilities already and this was a brown field site.

Councillor Hunt had seen pictures of the old swimming pool and found it very difficult not to conclude that the proposal would enhance the area with this new build. The view of the Cathedral would be better, the Council was trying to address the housing shortage and attempting to get as much affordable housing as it could. The new development would also not intrude onto the green space.

When put to the vote:

It was resolved:

That planning application reference 20/00730/FUM be APPROVED subject to the signing of the S106 Agreement and the conditions detailed in the report within Appendix 1 with authority delegated to the Planning Manager and Legal Services Manager to complete the S106 and issue the planning permission.

53. 20/00853/FUL – 4B WEST DRIVE GARDENS, SOHAM

Molly Hood, Planning Officer, presented a report (reference V93, previously circulated) for an application for a single storey conservatory/garden room extension, a small observatory and a small window in a detached garage.

The application was for a side extension to a detached property, with a ground floor conservatory and first floor terrace, which would have a 1.8metre glass screen.

The main considerations in the determination of this application were: residential amenity; visual impact and the existing hedge.

Residential Amenity

The terrace had a floor space of 23 square metres with an observatory. It would have a significant detrimental impact, due to overlooking and the loss of privacy of neighbouring dwellings because of views into their curtilages. The terrace would encourage the residents to use it more often, with views into others' private amenity space.



Visual Impact

There were minimal concerns about this and the proposed materials to be used were considered appropriate.

The Hedge

The hedge backed onto Mereside properties, which were of a single storey construction. There would be a condition to maintain the hedge to 2.5 metres in height and no further conditions would be wanted. If the hedge died back it would take a significant amount of time to restore it to its current state. There was no guarantee how long the hedge would last.

Due to the significant detrimental effect of overlooking and loss of privacy to properties in Mereside and West Drive Crescent, and with the hedge not providing long term protection, the application was recommended for refusal.

At the invitation of the Chairman, Ms S Stepney, Applicant, made the following comments:

- The general principle of privacy was supported, so the extension had been carefully designed to minimise light pollution and overlooking.
- The Applicants had been advised the proposed screen would be adequate, as this would be equivalent to looking out of the window, but they would be happy to extend the screen if required.
- There had been no objections from neighbours.
- The green boundary consisted of trees that were around 40 years old and they could last another 60 years or so.
- A 6 foot tall fence could be installed if the hedge suffered from die back and the Applicants would be happy to accept a condition for a fence replacement.

Councillor Trapp asked how the observatory would be accessed, suggesting that if there was no terrace then accessing the observatory would be a problem. In response, the Applicants stated that it would be accessed via a bedroom, through some French doors. Outside access would be needed for maintenance purposes.

Councillor Ambrose Smith questioned the use of the observatory and was informed that the Applicants were formerly professional astronomers, so it would be used for a serious hobby.

Councillor Jones had called this application in for consideration by the Committee because of two main areas of concern. Had the Applicants done enough to avoid overlooking neighbouring properties? The existing back wall was fairly plain and the screen would continue this wall. There was also the question about the legacy of protection, using the hedge or screening, that needed consideration. Would future occupiers maintain that protection?



Councillor Wilson noted that there had been no objections, except from Council officers who had objected to the potential for overlooking. If the terrace screening was properly conditioned there should not be an issue.

Councillor Ambrose Smith reminded the Committee that the upper area would be used for serious business and the Applicants were willing to make amendments to overcome the objections. Therefore the officer's recommendation for refusal should be rejected.

Councillor Schumann was minded to concur with Councillor Ambrose Smith and proposed that the application be approved, subject to the agreement of suitable conditions including the maintenance of the screening in perpetuity. The application issue of overlooking would be mitigated through conditions and there would be no significant visual impact. This was duly seconded by Councillor Ambrose Smith.

Councillor Trapp noted the objection due to visual intrusion but suggested that the observatory should be conditioned and nothing else.

Councillor Stubbs was still undecided, but was mindful of the views expressed. There were concerns that the local residents would not pick up the impact of this development and would complain later. So, she was not convinced that the application should be approved and would support the officer's recommendation for refusal.

When put to the vote:

It was resolved:

That planning application reference 20/00853/FUL be APPROVED, as it would not create any significant overlooking or overshadowing, which cannot be mitigated against. Any residual overlooking would not be significant enough to warrant the refusal of the application.

It was further resolved:

That the Planning Manager be given delegated authority to impose suitable conditions, including specifically the maintenance of the terrace screening in perpetuity.

54. **PLANNING PERFORMANCE REPORT – SEPTEMBER 2020**

Rebecca Saunt, Planning Manager, presented a report (reference V94, previously circulated) which outlined the performance of the Planning Department for September 2020.

There was just one update to the report, the Notice of an Appeal for McCann had been due to take place in November but had been delayed until 14th and 15th January and would be a virtual hearing instead of written representations.



East Cambridgeshire District Council

It was noted that most of the Appeals against delegated decisions had been dismissed.

It was resolved:

That the Planning Performance Report for September 2020 be noted.

The meeting closed at 3:20pm.