



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee
held in the Council Chamber, The Grange,
Nutholt Lane, Ely on Wednesday 1st April 2015
At 2.00pm

P R E S E N T

Councillor Joshua Schumann (Chairman)
Councillor Derrick Beckett
Councillor David Brown
Councillor Lavinia Edwards
Councillor Lis Every
Councillor Jeremy Friend-Smith
Councillor Bill Hunt (Substitute for Councillor David Ambrose
Smith)

Councillor Tom Hunt
Councillor Mike Rouse
Councillor Robert Stevens
Councillor Gareth Wilson

OFFICERS

Julie Barrow – Planning Officer
Penny Mills – Senior Planning Officer
Janis Murfet – Democratic Services Officer
Jon Pavey-Smith – Planning Officer
Rebecca Saunt - Senior Planning Officer
Sarah Steed - Solicitor
Richard West - Planning Officer
Sue Wheatley – Planning Manager

ALSO IN ATTENDANCE

Councillor Anna Bailey
Councillor Lorna Dupré
Councillor Richard Hobbs

Approximately 25 members of the public attended the meeting.

93. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Councillor David Ambrose Smith.

It was noted that Councillor Bill Hunt would substitute for Councillor Ambrose Smith for the duration of the meeting.

94. **DECLARATIONS OF INTEREST**

The Solicitor stated that all Members of the Planning Committee had a personal interest in Agenda Item No.8 (14/01353/FUM, Land Adjacent to Ely Rugby Club, Downham Road, Ely), the land being owned by the Council.

In connection with Agenda item No.8, Councillor Every stated that as a City of Ely Member, she did not attend the City of Ely Council planning meetings.

With reference to Agenda Item No. 8, Councillor Bill Hunt declared a personal interest saying that in his position as Chairman of the Asset Development Sub-Committee, he wished it to be clear that the Sub-Committee had never had any dealings with the site.

With reference to Agenda Item No.8, Councillor Rouse stated that as a City of Ely Member, he did not attend the City of Ely Council planning meetings.

95. **MINUTES**

It was resolved:

That the minutes of the Planning Committee meeting held on 4th March 2015 be confirmed as a correct record and signed by the Chairman

96. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reminded Members that there was to be an additional meeting of the Planning Committee on Wednesday, 29th April 2015 and it would be held in the Kempen Room at The Maltings in Ely. This was to replace the meeting normally held in early May because of the forthcoming elections.

97. **REVIEW OF PLANNING APPEAL DECISIONS**

Sue Wheatley, Planning Manager, presented a report which summarised the planning appeal decisions made since the last report to Committee in December 2014.

It was noted that Appendix 1 to the report included details of the appeal decisions; the success rate was 70%. There was only one major appeal, and this had been dismissed.

Appendix 2 set out details of the outstanding appeals.

The Planning Manager said that although the appeals performance was satisfactory, due to the implications of reaching wrong decisions it was important to monitor performance. It was therefore proposed to highlight appeal decisions to Planning Committee on a quarterly basis.

It was resolved:

That the contents of the report be noted.

98. **13/00441/OUT – LAND ADJACENT 39 EAST FEN COMMON, SOHAM**

Richard West, Planning Officer, informed Members of an error in paragraph 7.13 of his report. It was noted that the following additional wording should be included:

*“ ... The Internal Drainage Board were also consulted on the application and raised no objection provided that soakaways form **an effective means of disposing of surface water.**”*

The Planning Officer presented a report (P223) which provided details of an application seeking outline planning permission for the erection of a detached house and garage. Details regarding access, appearance, layout and scale had been submitted with landscaping to be a Reserved Matter.

It was noted that amended plans had been received during the application process reducing the size of the proposed dwelling.

Illustrations were displayed at the meeting which included a map of the application site, an aerial photograph, the visual appearance and character in relation to the street scene, and the location of the site in relation to the flood zone.

The Committee was reminded that the main considerations in the determination of this application were:

- The principle of development and planning history;
- Visual appearance and character;
- Flood risk;
- Amenity;
- Biodiversity; and
- Highways.

The Planning Officer said the application site was located to the east of Soham, outside the development envelope, as defined in both the Core Strategy and draft Local Plan. The proposal did not meet any of the exceptions and was therefore contrary to policies CS1 of the Core Strategy and GROWTH2 of the draft Local Plan.

Members were reminded that planning application reference 07/00029/OUT had been granted permission for an outline application for a

dwelling and garage in 2007, but this had since expired. The dwelling had been approved as an “infill” dwelling in accordance with applicable national and local policy at that time. However, there had been a substantial change in local and national policy since 2007, and therefore the previous decision had been given very limited weight in the decision making process.

It was considered that there was an in-principle objection to the proposed dwelling due to its location outside the development envelope of Soham and lack of exceptional circumstances. The proposal was considered to be contrary to policies CS1 of the Core Strategy and GROWTH2 of the draft Local Plan.

With regard to visual amenity, the proposed dwelling, as originally submitted, was considered to be overly large and detrimental to the visual appearance and character of the area. Notwithstanding the in-principle objection, the Applicant submitted amended plans. It was considered that the proposed development was in accordance with policies EN1 and EN2 of the Core Strategy and ENV1 and ENV2 of the draft Local Plan; the proposed dwelling would not have a detrimental impact on the visual appearance or character of the area.

In relation to the issue of flood risk, the application site was identified on the Environment Agency (EA) flood maps as being located within an undefended area of Flood Zone 3. The Applicant had demonstrated there was a raised flood defence along the bank of Soham Lode and the EA had accepted that the site was not located in the functional floodplain but was still located in Flood Zone 3.

Members noted that in accordance with policies EN7 of the Core Strategy, ENV8 of the draft Local Plan and Section 10 of the National Planning Policy Framework (NPPF), the sequential test had to be applied to new development in Flood Zones 2 and 3.

In the submitted flood risk assessment the developer had identified that it was impractical to consider alternative sites as the application involved the erection of a dwelling on land occupied by the garden of an existing dwelling. However, no evidence had been submitted as to why it was impractical to consider alternative sites for a single open market dwelling. The expectation was that an area of search for such a dwelling would be District wide where there are many sites reasonably available to accommodate a new dwelling. It was therefore considered that the sequential test had not been passed and the application should be refused.

Turning next to the matter of biodiversity, the Planning Officer reminded Members that access to the site was proposed across the Common, which was a country wildlife site due to the remnants of species-rich grassland. The Cambs Wildlife Trust was consulted on the application and commented that the biodiversity implications had not been properly assessed. Construction activities could impact the vegetation of the common,

but a Construction Management Plan would ensure no harm and could be dealt with by condition.

In connection with highway safety and access, the County Council Definitive Map Officer was consulted on the application and raised no objection, subject to informatives and the Applicants ensuring that they had lawful authority prior to proceeding.

At the invitation of the Chairman, Mr Andrew Fleet, agent for the Applicants, addressed the Committee and made the following points:

- The previous planning consents were granted under the infill policy;
- The Applicants wished to use the site as part of their retirement pension;
- It would be sensible to make a material commencement;
- No 37 East Fen Common had been demolished in the 1980's, and there had been changes to policy since then;
- The Environment Agency acknowledged that the mapping of the Flood Zone might be flawed or outdated. The site might or might not be in Zone 3, and if it was not, it would not be subject to the sequential test;
- Other areas in Flood Zone 3 had been subjected to the sequential test;
- The proposal was only 5 minutes from the centre of Soham;
- Other applications further away had been approved;
- Soham, sustainable and identified for growth;
- The site was in an existing row of dwellings and had good access by walking and cycling.

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

Councillor Rouse asked what had happened regarding the 2012 application. Mr Fleet confirmed that it had been withdrawn because it was in a flood area and the Applicants would have had to provide a flood risk assessment.

Councillor Friend-Smith wished to know the difference between today's application and the one submitted in 2007. Mr Fleet said that the earlier application had been for a much larger dwelling and they had been asked to reduce its size to something more suitable for the area.

Councillor Brown asked Mr Fleet if he could recall the last time the houses in this area had flooded; Mr Fleet replied he could not remember the area ever having been flooded.

Councillor Tom Hunt said that, having listened to all that had been said, he wished to propose that Members should go against the Officer's

recommendation for refusal. He believed the application should be granted approval because there was no significant flood risk, it would be a sustainable development and the proposal was not in the open countryside. The motion was seconded by Councillor Bill Hunt.

Councillor Beckett complimented the Planning Officer on producing a very clear report, saying that he could see there had been no option but to recommend refusal of the application. However, he felt that as permission had been granted in the past, there was no reason why it should not be granted today.

Councillor Brown requested that the imposition of appropriate conditions should be delegated to the Planning Manager in consultation with the Chairman of the Planning Committee.

Having been put to the vote, the motion was declared carried, and

It was resolved unanimously:

That planning application reference 13/00441/OUT be APPROVED and that appropriate conditions be delegated to the Planning Manager in consultation with the Chairman of Planning Committee for the following reasons:

- 1) There is no significant flood risk;
- 2) The proposal will be a sustainable development; and
- 3) The proposal is not in the open countryside.

99. **14/01006/FUL – LODE VILLAGE SOCIAL, 45 LODE ROAD, LODE**

Rebecca Saunt, Senior Planning Officer, presented a report (P224) which provided details of an application seeking permission for alterations and extensions to the existing Lode Village Social Club.

The proposed alterations were to provide a general purpose meeting room/bar, plus new toilet facilities to the rear of the building and to provide a lounge/function area. The proposed alterations would be accommodated in the proposed single storey extension to the rear and within the existing building. The rear single storey extension would consist of a flat roofed section and a pitched roof section. The extension would project 10.5 metres from the rear elevation of the existing building and it would have a width of 9.2 metres, adjacent to the existing building, decreasing down to 8.3 metres at the rear section of the extension. The rear extension would have an eaves height of 2.2 metres and a maximum ridge height of 4.2 metres. The rear extension would be constructed with roof tiles to match the existing and bricks and incorporate an oak/glazed screen in the rear elevation.

Members noted that the proposal also sought to extend to the front of the building to provide a revised main entrance. The porch to the front of the building would extend 3.1 metres from the existing front elevation and would be the same width as this section of the existing building. It would be constructed with roof tiles to match the existing ridge and eaves height of the building, introducing a glazed front with oak feature purlins and trusses above a brick plinth.

Illustrations were displayed at the meeting which included an outline of the site, an aerial photograph, and the front and rear elevations of the proposal.

The Senior Planning Officer reminded Members that the key planning issues were:

- The principle of development;
- Residential amenity;
- Visual amenity;
- Highways;
- Historic environment; and
- Flood risk and drainage.

With regard to the principle of development, the site comprised an existing social club, the use of which had now been established through the submission of a Certificate of Lawfulness for an existing use. This was submitted during the course of the application and ascertained that the use of the building was classified as sui generis and thus any change of use required planning permission. The Applicant had advised that it was proposed to maintain the existing use of the building.

The use of the building as a social club was viewed as a community facility, and vital to maintaining the quality of life in a rural area and boosting the social and economic vitality of the community as a whole. Members were reminded that Policy S3 of the Core Strategy 2009, and COM3 of the draft Local Plan sought to retain community facilities. Additionally, paragraph 28 of the NPPF noted that to promote a strong rural community, Local Plans should promote the retention and development of local services and community facilities in the village.

Policy EN2 of the Core Strategy and ENV2 of the draft Local Plan pre-submission version (as modified) sought to ensure that all new development would be designed to a high quality, enhancing and complementing local distinctiveness and public amenity. The existing building was of a simple design and it was considered that due to the additions in the past, it was of little architectural merit. However, the proposed alterations to the front of the building, which would increase the size of the entrance porch, would improve the overall appearance of the front elevation when viewed in the street scene.

It was noted that initially, concerns were raised by County Highways as insufficient data had been provided to demonstrate the potential impact of

6 additional full time employees on the adopted public highway when the proposed end use of the building was unknown. The Applicant submitted a Transport Statement but it did not address all of the concerns raised by County Highways.

A further Transport Statement was submitted following a site meeting with County Highways and having been reviewed, the data presented strongly suggested that the proposed alterations to the social club would create limited change to the existing situation in terms of the operation of the building and the traffic generation associated with the proposal.

The original County Highways request that the application be refused on the grounds of lack of information had therefore been overcome, subject to the recommended condition requiring the proposed car parking spaces to be shown on a plan submitted to the Local Planning Authority, in accordance with the dimensions outlined by County Highways.

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

- He wished to reiterate points already raised by interested parties;
- His comments were not intended to undermine because if the present owners of the building could turn it around, they would be doing a great service to the village;
- His family had lived at the rear of the social club for a considerable time and had been well aware of it when they moved there. Their dealings with the club had been mostly harmonious;
- The owner's future intention was to use the building as a restaurant/pub and this would have an impact on those living in close proximity;
- The main concern was the change of use from a club with members to a restaurant/pub. This had been raised by the Parish Council due to the potential impact on the village and adjoining residents;
- Specific concerns were noise, parking, smells from the extractor system, privacy and security;
- He did not understand the reasons for the process because the use had been D2 and now it was sui generis.

Mr Ambrose concluded by expressing the hope that all issues would be resolved in a manner to satisfy all concerned. He then responded to comments and questions from the Committee.

Councillor Beckett asked whether the village had been told the social club would be changing to a restaurant/pub. Mr Ambrose replied that the village newsletter, "Lodestar", had included an item about the eventual change of use.

In response to a question from Councillor Bill Hunt, Mr Ambrose confirmed that his main objections to the proposal were the potential for more noise and parking related issues.

At the invitation of the Chairman, Mr Daines-Smith, agent for the Applicant, spoke in support of the application and made the following remarks:

- The new owner of the building was Mr Richard Peters;
- Significant support for the proposal had been clearly set out;
- There would be a dedicated disabled access, and deliveries would be from the front;
- The building had been used as a social hub for the village for over 50 years;
- The new owner had the cash to modernise the building and there would be no change of use;
- The main room would be available for weddings and parties, and the subsidiary rooms would also be available for hire;
- The new owner wished to build upon the existing use, so as to attract new life and blood;
- The nature of the application had raised questions but the proposed changes had been assessed by Officers and were found, on balance, to be acceptable;
- The proposal had more supporters than objectors;
- The owner was taking a risk with this proposal and should be applauded for doing so.

Councillor Every noted that the previous social club had been unsuccessful. She asked whether there was a business plan for this new venture and how long it would be given. Mr Daines-Smith replied that the Applicant would give it 2 years, after which there was a clause whereby he could submit an application for a change of use.

Councillor Wilson commented that this was a fairly ambitious plan and would require a good few customers to ensure success. He asked why the disabled parking was at the rear of the building rather than the front, and he also wished to know where other customers would park. Mr Daines-Smith said that disabled parking had been put at the rear because it took up more space and there was overspill at the rear of the building. There were no proposals for staff parking because the owner would walk to the club and he intended recruiting staff from the village.

Councillor Stevens asked how the new owner intended to run the social club from the premises with a new membership. Mr Daines-Smith responded that a new social club would be started and people hiring the rooms would be asked to become members. Councillor Stevens next asked why not change the building to a restaurant/pub and was informed that the new owner and his wife would run the business and recruit part time staff as

it grew. If time showed that the food and drink side of the business was more used, a planning application for change of use would be submitted.

Referring to Condition No.15 in Appendix 1 of the report, Councillor Friend-Smith asked if there would be a restriction on parking when the refuse collection vehicle needed to get to the bin store; Mr Daines-Smith confirmed that this would be so.

Councillor Beckett declared himself to be confused by the situation. It was his understanding that a social club was a charity run by the members for the benefit of the members. This building had been sold to a private individual, so it was either a social club or it was not, and he asked for the definition of "social club".

The Senior Planning Officer said that a social club normally had members who each paid a fee. In pre-application discussions, the Applicant had been advised that if the building was not to be used for that purpose, he would have to apply for a change of use. He had submitted a Certificate Of Lawfulness and further research by Officers had resulted in the advice that the building was classified as sui generis. If its continued use was as a social club, then that use was tied down.

In response to a question from Councillor Beckett, Mr Daines-Smith confirmed that the building would continue to be used as a social club for members.

Councillor Stevens said that parking at the front of the building was of concern to him. He asked if a condition had been requested for parking to be marked out and agreed by Highways, as he was confident that it could be met. The Senior Planning Officer replied that such a condition could not be added, as it had not been part of the discussion.

Councillor Every declared her support for the proposal, saying that Lode wanted a social club and this might be the only opportunity to try again.

Councillor Brown proposed that the Officer's recommendation for approval be accepted, as the Committee had had assurances regarding the use of the building, which he hoped would be successful. The motion was duly seconded by Councillor Every.

Councillor Rouse reiterated that Members should concentrate on the application before them today, and he declared his support for the proposal. Councillor Tom Hunt agreed, saying that some of the points raised by objectors were not relevant to the case. The Chairman added that it could be requested that any future application should come before the Committee.

Councillor Stevens stated that the social club was built in the 1930's and had served as a very useful hub for the village. However, the competition from pubs and clubs had seen a decline in its use, and the members of the social club had voted in 2014 to accept an offer to turn it into

a pub/restaurant. He believed it would be a very good thing to have a place in the village where people could go to eat and drink. There were other venues in the village, but Lode had lost its last pub some time ago and to lose the facility would be a disadvantage to the parish. He was therefore happy to support the application.

Having been proposed and seconded and put to the vote,

It was resolved unanimously:

That planning application reference 14/01006/FUL be APPROVED, subject to the conditions as set out in the Officer's report.

100. **14/01353/FUM – LAND ADJACENT TO ELY RUGBY CLUB, DOWNHAM ROAD, ELY**

Rebecca Saunt, Senior Planning Officer, presented a report (P225), for a hybrid planning application which sought detailed permission for Phase 1, which would include a building comprising a six-screen multiplex cinema, and Unit 1 (A3 and A4 use), Units 2,3, and 4 (A3 use), and four separate, stand alone buildings comprising Units 5,6 and 8 (A,B, and C) (A3-A5 use) and Unit 7 (A3 use). Permission was also sought for a new underpass linking the site and the western residential edge of Ely for both pedestrians and cyclists; the improvement of the existing vehicular access onto Downham Road (for entering the site) and the creation of a new vehicular access onto Downham Road (for exiting the site); 380 car parking spaces and 104 cycle parking spaces, and associated landscaping which would include a drainage attenuation basin of up to 1,500m³ internal roads and services.

The application also sought outline permission, with all matters reserved except access for Phase 2, which would include a District-wide leisure centre, car and cycle parking (which would include 120 overflow car parking spaces for the Ely Outdoor Sports Association (EOSA)); landscaping and connection into the vehicular, pedestrian and cycle infrastructure and site services provided by Phase 1 of the development.

Tabled at the meeting was an email, submitted by a member of the public, which supported approval of the application:

"This proposal will be of great benefit to residents of Ely and the surrounding towns and villages. The location is the right one. Other commentators have suggested that it would be better placed near the railway station. I disagree; notwithstanding the current silence over the future of the Station Gateway plans after Tesco's withdrawal from the Octagon Park project, the station Gateway residential/commercial mix remains the right solution for such prime territory given the commuting potential offered by the station. Occupying a large part of the area with a cinema would be a wasted opportunity. It is right that the cinema and leisure complex should be located off the A10, with substantial car parking. Many of the customers will come

from villages and towns around Ely, and most will be travelling in the evenings, when public transport is scarce. It is good to see pragmatic recognition of this in the plans. The on-site catering outlets will benefit from significant passing trade, given the high volume of traffic on the A10. Pedestrian underpasses can be intimidating places late at night. Accordingly, lighting should be extremely generous and overt CCTV cameras must be in place.”

Illustrations were displayed at the meeting which depicted the application site and an aerial view of the site. There were also a number of illustrations of the proposed cinema and four in-line restaurants, the two drive-thru restaurants and the other units on the site.

The Senior Planning Officer reminded Members that the main considerations in determining this application were:

- The principle of development;
- Residential amenity;
- Design and layout;
- Historic environment
- Highways;
- Ecology; and
- Flood risk and drainage.

It was noted that the principle of a leisure centre had already been established with application reference 10/01020/FUM, and six sites had been assessed as part of the sequential approach but there were no other sequentially preferable sites.

The restaurants would be needed to make the cinema viable. Ely was expanding and the services and infrastructure had not kept pace. It was expected that there would be some impact, but the services were needed and Ely's historic fabric limited opportunities in the city centre. The city centre was relatively healthy with low vacancy rates in the key shopping areas.

Members were reminded that on 9th March 2015, the Council received the Inspector's Report in relation to the draft Local Plan pre-submission version (as modified). The Inspector's Report stated that provided modifications were made, the Local Plan was sound. Full Council would consider the Inspector's Report on 21st April 2015 and Members would determine whether to adopt the Local Plan. Officers therefore considered that significant weight could be attached to the draft Local Plan policies. In connection with this, the Senior Planning Officer drew attention to paragraph 7.7 of her report which set out Policy ELY10 (Leisure allocation, land at Downham Road), adding that a masterplan had been submitted.

In terms of residential amenity, the Committee noted that the nearest residential properties were 250 metres to the north, 180 metres to the

southwest and between 80 – 130 metres to the south/southeast. The A10 and a buffer zone of landscaping divorced the site from the main body of population of Ely. The separation distance meant that it was highly unlikely that noise or odour would cause an impact. There was a potential issue with people travelling to and from the site, but there was little control over this.

The external lighting proposals were reviewed by Environmental Health and it was considered that due to the types of lighting proposed and their positions, they would not create an adverse impact on residential amenity or create an unacceptable level of light pollution.

Concerns had been raised regarding the lack of lighting proposed to the south side of the A10. The scheme proposed lampposts adjacent to the proposed footpath to connect with the Downham Road. At the public consultation carried out by the Applicant prior to the submission of the application, concerns were raised by residents of Mallow Close in relation to an additional footpath proposed to link in with the residential development to the west of Ely. It was felt it would have an adverse impact by creating a link to this road which did not have footpaths and this would impact adversely on the residential amenity of the residents of the development.

Prior to the submission of the application, amendments were made removing the link to enable the proposed path route to follow the existing informal network onto Downham Road rather than directly through residential neighbourhoods. Discussions with the Applicant regarding additional lighting on the south side of the A10 had therefore not progressed as they believed that by including additional lighting to the rear of the properties to the west of Ely this would further encourage customers of the development to access the proposal through existing residential neighbourhoods and create an adverse impact on their residential amenity.

During the course of her presentation, the Senior Planning Officer showed a series of images relating to the design and layout of the proposed scheme. It was noted that the proposal had evolved over the lead up to the submission of the application following pre-application meetings and public consultation. The cinema would be set into the ground slightly and the building took design reference from a barn/agricultural building concept.

One of the key concerns in any proposal within Ely was the impact on the Cathedral and its setting, as outlined in Policy EN5 of the Core Strategy. English Heritage had raised objections on the grounds that the siting of the cinema in this location would adversely impact on the wider setting of Ely Cathedral, resulting in a degree of harm to its significance. They also raised concerns in relation to the need for all of the complementary restaurant, café and drive-thru's, poor siting of the leisure centre, poor design and whether this was the best location for the proposed development.

The Senior Planning Officer reiterated that the NPPF stated that *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed*

against the public benefits of the proposal, including securing its optimum viable use.”

It was acknowledged that there would be some impact on the setting of the Cathedral. However, given the rapid population expansion of Ely, a strong demand now existed for a wider choice and increased capacity of leisure facilities that were currently poorly provided in Ely. Given the proposed end use of the site, the policy which allocated the site in the draft Local Plan to build on the existing facilities, creating a sport and leisure hub for the District and the benefit to the economy as a whole, it was considered that due to the limited impact on the view on part of the Cathedral, which was already obscured by existing vegetation, that the public benefits of the proposal on balance outweighed the impact on the view of the Cathedral when looking south east from West Fen Drove near Little Downham. No other long distance views would be affected by the proposal, and short distance views of the Cathedral would not be impacted by the development.

With regard to Highways issues, it was noted that County Highways had withdrawn their holding objection.

Phase 1 of the development would have 380 parking and 104 cycle spaces; Phase 2 would have 320 parking spaces including 120 overspill. The existing vehicular access would be used as entry only and a new exit only access was proposed. There was an existing bus stop within 400 metres of the site and it was proposed to include a bus/taxi and service/deliveries layby within Phase 1 of the development to assist with an improved bus service provision to the site. It was considered that the new access arrangements would greatly improve the access to the site for all new and existing users.

Natural England and the Environment Agency had not raised any objections to the proposals on biodiversity grounds and the Ecological Appraisal had been assessed in line with Natural England's Standing advice. It was considered on balance that the proposal would not have an adverse impact on biodiversity and would provide appropriate mitigation measures, alongside extensive landscaping, which would provide opportunities for the creation of natural habitats.

In connection with flood risk and drainage, the Committee noted that the site was within Flood Zone 1, and the proposed development was classified as “less vulnerable” development where the Environment Agency (EA) considered development to be acceptable in principle and not requiring a Sequential or Exception Test.

When initially consulted, the EA had objected to the proposal mainly because it failed to demonstrate a surface water drainage strategy for Phase 2 of the development. Following the submission of a Flood Risk Addendum, the EA withdrew their objection providing the recommended condition relating to a surface water drainage scheme was imposed.

At the invitation of the Chairman, Mr Richard Seamark, agent for the Applicant, addressed the Committee. He introduced his colleague, Matthew Ingrey, who was in attendance to help answer questions and he then made the following comments:

- He had been involved with this from the outset and was grateful for the Officer's report, which captured all the material details;
- The proposal represented an opportunity to deliver a leisure village that the people had been asking for and that the District needed;
- This application had been a complex viable case involving a significant amount of work;
- If Members were minded to vote to approve the application, the cinema would be ready for use by the summer of 2016;
- The cinema would need an enabling development and each occupier had their own specific needs, which had influenced the layout and design;
- Constraints had been satisfied and current best practice had been followed;
- There would be no impact on views of the Cathedral;
- There would be a lit underpass cutting through an elevated section of the A10;
- The residents of Ely would be within an appropriate walking distance of the new development;
- Members of the public and students from Ely Community College had attended the consultation events.

Mr Seamark concluded by encouraging Members to support the scheme. He then responded to comments and questions from the Committee.

Councillor Wilson noted that the plan included an underpass and he asked how wide it would be and what it would involve. Mr Seamark replied that it would be 5 metres wide with segregated access for pedestrians and cyclists. The underpass would be lit throughout and have CCTV at both ends.

Councillor Wilson continued, saying he was pleased to see that there would be a bus layby next to the cinema, but he questioned why there was no mention of a bus service. Mr Seamark responded, saying that discussions were ongoing. Mr Ingrey added it was hoped there would be an extension of the City service, but this was a commercial decision for Stagecoach.

Councillor Friend-Smith asked whether the lighting to the south of the A10 was to be in columns or in the ground. Mr Seamark said this needed to be considered; the scheme, in principle, was to have lighting bollards 1.5 metres high but this would be subject to a condition to be discharged at a later date.

Councillor Friend-Smith next enquired about access to the site, commenting that buses should be encouraged to go there as soon as possible so that people would not come there by car. With regard to the vehicular entrance from Downham Road, the road needed to be adequately wide enough so that buses would be able to park. Mr Seamark replied that there would be plenty of space at the junction and the access roads; the scheme had been designed to accommodate larger vehicles such as delivery lorries and it would allow buses to come into the site, park, and then exit the site. Councillor Friend-Smith said that the Rugby Club had a fair amount of traffic and he hoped that this had been allowed for, as there were concerns about parking in the interim. Mr Seamark assured him that Phase 2 had approximately 120 overspill parking places. Mr Ingrey added that a computer programme had been used to predict the volume of traffic and he was confident that on-site provision would be more than adequate.

Councillor Beckett asked Mr Seamark to explain more about the 6 screen cinema with 4 in-line restaurants and 6 additional units, as he thought this was an awful lot of restaurants for one site and he wondered if the scheme would be viable. Mr Seamark stated that the starting point was the cinema, based on a viability report commissioned by the Council which verified that Phase 1 would provide everything needed to make sure the cinema was viable. Councillor Beckett queried whether there was sufficient provision within the site for the proposal, given that it was being looked at as a District-wide scheme.

Councillor Tom Hunt said there had been speculation about who would occupy the restaurant units and he asked if Mr Seamark could say who was coming. Mr Seamark informed the Committee that discussions were currently underway with a number of national operators but he could not give any specifics at this point.

Councillor Wilson expressed concern about the number of parking spaces saying that 380 might seem like a lot, but maybe it was not. Mr Seamark responded, saying that the information had been provided on an evidence base, taking into account linked trips, cycling and walking. It was recognised that there would be a need for some people to visit by car, but it was a question of trying to strike a balance.

Councillor Rouse said this was a long anticipated day. The old Rex Cinema in Ely had closed over 30 years ago and at long last there would be something in Ely. This would make the City more sustainable and would cater for future growth. He believed that English Heritage had confused Ely with the Isle of Ely and it had strained to find objections in making its comments. The cinema was very much wanted and it would not impact on the views of the Cathedral. He strongly supported the recommendation for approval and thanked the Senior Planning Officer, saying she had worked hard to produce a very thorough report.

It was duly proposed by Councillor Rouse and seconded by Councillor Bill Hunt that the Officer's recommendation for approval be accepted.

In declaring his support for the proposal, Councillor Tom Hunt said he was very excited to see this application on the agenda as it would improve the quality of life for his constituents. It would bring the leisure centre and cinema to their doorsteps. There would be advantages regarding infrastructure; the access to the Rugby Club was not ideal at the moment but this would improve. Councillor Hunt also questioned the role of English Heritage in the planning process; he thought they too often commented on heritage and he was extremely keen that an eye should be kept on them. As far as The Maltings cinema was concerned, he felt that it would benefit the City centre rather than compete with the new facility. He said that as a young person representing young people with families, he strongly supported the application.

Councillor Bill Hunt totally endorsed the comments made by Councillors Rouse and Tom Hunt. This was the biggest and most exciting thing to happen to Ely in years, being a total offering to inward investment. East Cambridgeshire was becoming a very attractive place in which to do business and live and there would be big benefits to making this a central point in East Anglia.

It was clear, he said, that it was absolutely vital to have a bus service to the site so that the city centre did not become blocked up. The site was in the right location and there would be less traffic on the A10. This proposal was an important part of the jigsaw and he strongly supported the recommendation for approval.

Other Members of the Committee expressed their support. Councillor Brown said he and his family would use the new cinema because it would be closer than having to go to Bury St Edmunds. Councillor Wilson welcomed the convenient location with a good well lit access. Councillor Every thanked the Senior Planning Officer for a "fantastic" report, saying that the scheme would have a great impact on families; the cinema would be a huge asset and she supported all the previous comments.

Councillor Beckett said that as one of the original Members who had set the scheme running, it was with pleasure that he saw this coming to Committee and he commended the Officers on having done a good job. He believed it would enhance the District.

Councillor Stevens said that while he in no way begrudged the cinema, it did not sit well with him to hear it described as "District-wide". Representing a Ward in the south of the District, he would continue to use Cambridge.

The Chairman brought the discussion to a close by thanking both the Senior Planning Officer and the Applicant's side for working together to bring the proposal to fruition.

The motion, having been proposed and seconded, was put to the vote, and

It was resolved unanimously:

That APPROVAL of planning application reference 14/01353/FUM be delegated to the Planning Manager in consultation with the Chairman of Planning Committee, subject to:

- 1) Referral to the Secretary of State to decide whether or not to “call in” the proposal for determination; and
- 2) The recommended draft conditions, as set out in the Officer’s report and the addition of highway conditions.

The Chairman announced that there would be a comfort break between 3.53pm and 4.05pm.

101. **14/01359/FUL – REGAL BINGO CLUB, HEMPFIELD ROAD, LITTLEPORT**

Julie Barrow, Planning Officer, presented a report (P226) which sought consent for the construction of four detached dwellings together with garaging, parking, access and associated works to facilitate the development on the site of the former Regal Bingo Club in Littleport. The proposed dwellings were to be arranged in an arc with two dwellings fronting on to Hempfield Road, one dwelling on the corner of Hempfield Road and Hempfield Place, and the fourth plot fronting on to Hempfield Place.

Illustrations were displayed at the meeting which depicted the application site, an aerial photograph, an illustrative of the layout of the site, views of the proposed dwellings and a floor plan of all four plots.

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

- Visual amenity and historic environment;
- Residential amenity; and
- Highway safety.

It was noted that the site was located within the development envelope of Littleport and adjacent to the Conservation Area boundary. It occupied a corner position on the junction of Hempfield Road and Hempfield Place in a predominantly residential area with two storey dwellings to the west and south on Millpit Furlong and Broom Close. A modern development of two storey dwellings was located on the northern side of Hempfield Road, opposite the site. Outline planning permission had been granted in the past for the demolition of the former bingo hall and for the construction of a residential development. A Listed Building was located approximately 30 metres to the north-west of the site.

The Planning Officer said that as the site was located within a few metres of the Conservation Area, it was considered appropriate for the

proposal to be considered on the basis that it would have an impact on the general character and appearance of the area. Also, the site represented a rare opportunity for a well designed, comprehensive form of development to be put forward and its close proximity to the Conservation Area presented an opportunity to enhance the street scene for the benefit of the whole area and to encourage further high quality development in the locality.

Policy EN2 of the Core Strategy and Policy ENV2 of the draft Local Plan stated *“All development will be designed to a high quality, enhancing and complementing local distinctiveness*

Design which does not take advantage of opportunities to preserve, enhance or enrich the character, appearance and quality of an area will not be acceptable.”

Paragraph 64 of the NPPF stated that permission should be refused for development of poor design that failed to take the opportunities available for improving the character and quality of an area.

The Planning Officer reiterated that the main considerations in the determination of this application were:

- Visual amenity and historic environment;
- Residential amenity; and
- Highway safety.

The Committee was reminded that concerns remained regarding the design of the four dwellings. The Council's Conservation Officer had acknowledged that there was no predominant character in this primarily residential area, with a mix of good and bad architectural styles. The proposed dwellings appeared overly large and bulky, and their design dated. During discussions with the agent, it was suggested that the quality of design could be improved and that design inspiration could be taken from the Art Deco features on the dilapidated bingo hall.

With regard to residential amenity, the layout of the proposal provided large rear amenity space for Plots 1 and 4, but the private areas serving Plots 2 and 3 were disproportionately smaller. Also there was the potential for overlooking from the first floor windows on Plot 3 towards the amenity space immediately to the rear of Plot 2.

It was accepted that the site could readily accommodate four dwellings and that the current appearance of the site detracted from the quality of the area. However, the delivery of four poorly designed dwellings did not outweigh the need to improve the appearance of the site and the scheme as proposed would not enhance or enrich the character, appearance and quality of the area.

At the invitation of the Chairman, Mr Andrew Fleet, agent for the Applicant, circulated a number of photographs for the benefit of Members, and he made the following points:

- The land was purchased in July 2001, and the site was used as accommodation by the Littleport Trust and as a car park;
- The leases were not renewed and an application for total demolition was made in March 2014;
- The main concern was the design of the proposal;
- The application site was surrounded by a multitude of vernaculars;
- The Applicant wished to offer a contemporary design which did not replicate any of the existing buildings;
- This was a continuously developing street scene;
- The Planning Officer and Conservation Officer considered that the proposal had not gone far enough, and offered design concepts;
- His clients were horrified at their suggestions, believing them to be more suited to somewhere such as Florida;
- Littleport has a ceiling in property values, and the scheme would be unviable if the Officers' design concepts were followed;
- Littleport Parish Council had no objections to the scheme;
- The application was to be determined as submitted, and if needed, the bedroom windows on Plot 3 could be repositioned to address the potential issue of overlooking.

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

Councillor Brown asked about the photographs that had been circulated, and Mr Fleet said their purpose was to give Members some ideas about a contemporary scheme. In response to a comment from Councillor Beckett, Mr Fleet confirmed that the intention was to build dwellings that they considered would fit the market and sell.

Councillor Tom Hunt remarked that the site took up a significant amount of space, and he asked if any thought had been given to building 5 or 6 houses. Mr Fleet replied that if they built 5 houses, the loss of 30% of the units for affordable housing would make the scheme unviable.

Councillor Stevens commented on the photographs that had been circulated and Mr Fleet informed him that it was proposed to have traditional brick built facing with cedar boarding.

Councillor Wilson asked the Planning Officer if the proposal was in line with policy regarding the number of houses per hectare. She replied that there was not a particular policy on density, however, the draft Local Plan took into account context and surroundings.

Councillor Tom Hunt said he would prefer to see a better use for the space with smaller units, but he accepted Mr Fleet's reasoning. The style of the houses and their character was a matter of opinion, but he noted that there had been no opposition from the Parish Council. His view was that the bingo hall was falling apart, so it should be taken down as soon as possible. He duly proposed that the Committee should go against the Officer's recommendation for refusal.

In seconding the motion, Councillor Bill Hunt said he thought the proposal suited the area and would fit in well. There would be no loss of car park, and he too noted there had been no objections raised by the Parish Council.

Referring to Section 7 of the NPPF, the Chairman reminded the Committee that local views should be taken into account, and that planning policies and decisions should not attempt to impose architectural styles or particular tastes.

Councillor Rouse believed that everything hinged around the design of the scheme, and he appreciated that Officers wished to get the best. The old cinema was not a striking example of Art Deco and the context of the site was about how the proposed buildings would impact on the area. There was a mixture of styles and achieving a balance would be difficult. However, the builder and architect were well established, and on balance, he believed the scheme was acceptable. He was minded to support a motion for granting permission.

Councillor Beckett said that having visited the site, he was astounded by the variety of styles of housing; nothing in the locality was "common". This proposal involved local rather than national developers who would use local labour to build local houses and he was content to go along with the motion to grant permission.

Councillor Friend-Smith drew Members attention to the third paragraph on page 5 of the Officer's report, which stated that the proposal was contrary to Policy EN2 of the Core Strategy and ENV2 of the draft Local Plan. He felt this was an opportunity for something good to be produced on a relatively large site which was in a predominant position, and he declared his support for the Officer's recommendation.

Councillor Wilson thought that sufficiently more houses could be put on the site. He felt the proposed dwellings were not particularly exciting, likening them to "rather square boxes", and the garden sizes were unsatisfactory.

Councillor Stevens said that he had not got a feeling of there being any predominant style of housing in the area and he was therefore in favour of accepting the design and granting permission.

Councillor Tom Hunt was reminded that he needed to give reasons for going against the Officer's recommendation and he put forward the following:

- The proposal was on land earmarked for development;
- The proposal would do something for the run-down site;
- The design was not of concern or out of keeping with the character of the area;
- There was no local opposition to the proposal;
- It would contribute to housing needs.

The motion, having been proposed and seconded, was put to the vote and declared carried, there being 9 votes for and 2 votes against. Whereupon,

It was resolved:

That planning application reference 14/01359/FUL be APPROVED and that appropriate conditions be delegated to the Planning Manager in consultation with the Chairman of Planning Committee, for the following reasons:

- 1) The proposal is on land earmarked for development;
- 2) The proposal does something for the run-down site;
- 3) The proposed design is not of concern and is not out of character with the area;
- 4) There is no local opposition to the proposal;
- 5) It will contribute to local housing needs; and
- 6) The movement of the window causing overlooking could be secured by condition.

102. **15/00032/OUT – LAND EAST OF THE BARN, RANDALLS FARM, BARWAY**

Jon Pavey-Smith, Planning Officer presented a report (P227), which provided details of an application seeking outline permission, with all matters reserved, for the erection of four dwellings, each with ample parking, turning and amenity space.

It was noted that the site fell within BAR1, a housing allocation within the East Cambridgeshire draft Local Plan and proposed amended development envelope for Barway. The site was located within 2km of the Cam Washes Site of Special Scientific Interest. There were mature trees on the site and an access road to the side of the site.

Illustrations were displayed at the meeting which depicted the application site, the proposal and an indicative of the layout of the site..

The Planning Officer reminded the Committee that the main considerations in the determination of this application were:

- The principle of development and planning policy;
- Affordable housing;
- Residential and visual amenity;
- Highways; and
- Archaeology, drainage, flood risk and trees.

Members were reminded that Policies CS1 and CS2 within the Core Strategy placed a strict control over new development outside the limits of development envelopes around the settlements, limiting it to specific exceptions set out in the Plan. This proposal was outside the designated development limits for Barway, on land designated as countryside, and the development did not fall within any of the identified exceptions. As such, the proposal was in direct conflict with Policies CS1 and CS2 of the Core Strategy.

In circumstances where there was a conflict with the provisions of a development plan, it was necessary to determine whether there were any material considerations which would outweigh the conflict. The Planning Officer reiterated that this site had been identified for development in the draft Local Plan through Policy BAR1 and due to the advanced stage of preparation, this could be given significant weight. It was considered that there were no other material planning reasons that would suggest refusal of the application.

With regard to affordable housing, an additional condition would be added in respect of the threshold, should Members be minded to grant permission.

Turning next to the matter of residential and visual amenity, the Committee was informed that it was considered in principle that the site was large enough to accommodate 4 dwellings. The general character of Barway was linear development fronting the highway. The application was outline, but given the shape of the site and the indicative layout, a similar form of development could be established to the existing to ensure that there would be no adverse impacts on visual amenity. Additionally, it would be possible, through appropriate landscaping at the Reserved Matters stage, to ensure that the development was sympathetic to the rural location and could be assimilated into its surroundings.

It was noted that the County Highway Engineer had raised no objections to the application, subject to four conditions. Given the length of the highway frontage of the site, it was considered that highway safety could be satisfied and the application made acceptable in terms of Policy S6 of the Core Strategy and Policy COM7 of the draft Local Plan.

The site was not located within a flood risk area, and the Middle Fen & Mere Internal Drainage Board raised no objection to the scheme on the basis

that surface water would be disposed of via soakaways. The proposal therefore complied with Policies EN7 of the Core Strategy and ENV8 of the draft Local Plan.

At the invitation of the Chairman, Mr Adam Tuck, agent for the Applicant, addressed the Committee and made the following comments:

- He thanked the Planning Officer for his guidance and input regarding the application;
- The draft Local Plan would be going to Council for adoption in April and therefore it should be given considerable weight;
- To date, no objections to the application had been raised;
- This Planning Committee had approved a similar application last month.

Mr Tuck concluded by expressing the hope that Members would support approval of the application.

The Chairman noted that if approved, the application was to be advertised as a departure from the development plan. The Planning Officer replied that as well as a site notice, it would be advertised in the Cambridge News.

The Planning Manager recommended that she be given delegated authority to impose an additional condition relating to the affordable housing threshold.

It was duly proposed and seconded that the application be granted permission, and when put to the vote,

It was resolved unanimously:

That planning application reference 15/00032/OUT be APPROVED subject to the conditions, as set out in the Officer's report, and with the Planning Manager being given delegated authority to impose an additional condition relating to the affordable housing threshold.

103. **15/00091/VAR – 65 HIGH STREET, SUTTON**

Richard West, Planning Officer presented a report (P228), which provided details of an application seeking approval to vary Condition 3 (opening times) of the previously approved application reference 13/00333/FUL.

The amended opening times sought were as follows: 07:30 – 22:00 Monday to Saturday, and 10:00 – 16:00, Sunday. The permitted uses (A1/A3) of the business would remain as previously approved.

Illustrations were displayed at the meeting which depicted the application site and an aerial photograph of the location.

The Planning Officer reminded the Committee that the main considerations in determining this application were:

- The justification to extend the opening hours; and ;
- The potential impacts on amenity and car parking.

The application, as originally submitted, provided little business justification for the extended opening hours, so the Case Officer sought further information relating to the viability of the business. The Applicant provided the following information:

- The overall issue with viability was the volume of sales;
- Sales could be vastly improved by the provision of breakfast, currently not available as residents had left for work before the café opened;
- Later opening times would allow for the provision of evening meals and special occasions, such as Valentine's Day;
- Sunday opening times would allow the provision of afternoon teas and special occasions, such as Mother's Day; and
- There was no capacity to operate as a major food provider, in that the business had no gas, extraction system and only single phase electricity.

It was noted that extended opening hours would have the potential to create noise pollution arising from the functioning of the business as well as customer movements to and from the business.

As the site was located along the High Street, it was expected that there would be a certain level of pedestrian and vehicular movements, especially at weekends. However, the business was not located in the village centre and was surrounded by mainly residential properties that would expect the road to be relatively quiet on weekday evenings.

In view of this, the Case Officer had therefore recommended that the extended opening times Friday to Sunday and earlier opening times be approved. However, in order to protect the amenity of the neighbouring occupiers, the weekday evening closing times should be kept as existing.

The opening times would be as follows: 07:30 – 19:00 Monday to Thursday, 07:30 – 22:00 Friday and Saturday, and 10:00 – 16:00 on Sundays.

In response to a question from Councillor Brown, the Planning Officer confirmed that the Applicant had agreed to these times.

The Chairman reiterated that Members should be clear they were voting on the opening times shown on the slide.

The Committee noted that the application had received 20 letters of support and 7 letters of objection. Since the Officer had written his report, a petition comprising 198 signatures of support had been received.

Councillor Tom Hunt spoke in favour of granting the application permission. He said this was a “lovely business” which should be allowed to open later for special occasions as there was a huge strength of feeling in support of the proposal. He could not see why the Applicant could not be allowed to open until 22:00 on Monday to Thursday as there would not be a lot of noise or inconvenience. The Chairman said he shared the same thoughts, but the Applicant had already agreed to the revised hours of opening, and this was what Members would be asked to vote on.

It was proposed by Councillor Brown and seconded by Councillor Beckett that the Officer’s recommendation for approval be accepted, and when put to the vote,

It was resolved unanimously:

That planning application reference 15/00091/VAR be APPROVED subject to the conditions as set out in the Officer’s report.

The meeting closed at 5.00pm.