

PLANNING COMMITTEE MINUTES

Minutes of a Meeting held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday 2 March 2011 at 2:00pm.

PRESENT

Councillor Philip Read (Chairman)
Councillor Sue Austen (as Substitute for Councillor Jeremy Friend-Smith)
Councillor Derrick Beckett
Councillor David Brown
Councillor Christine Bryant
Councillor Anthea Davidson
Councillor Lavinia Edwards
Councillor Peter Moakes
Councillor James Palmer
Councillor Jackie Petts
Councillor Mike Rouse
Councillor Gareth Wilson

OFFICERS

Amanda Apcar - Principal Solicitor
Alan Dover - Principal Development Control Officer
Giles Hughes – Head of Planning & Sustainable Development
Penny Mills – Planning Officer
Rebecca Saunt – Planning Officer
Adrian Scaites-Stokes – Democratic Services Officer

ALSO IN ATTENDANCE

Councillor Ian Allen
Councillor Fred Brown
Councillor Mark Duckworth
Councillor John Humphreys
20 members of the public

66. **APOLOGIES AND SUBSTITUTIONS**

Apologies were received from Councillors John Abbott and Jeremy Friend-Smith.
Councillor Sue Austen substituted for Councillor Friend-Smith for this meeting.

67. **DECLARATIONS OF INTEREST**

The following declarations of interest were made:

Agenda Item No. 5

Councillor Sue Austen declared a personal interest as she had called in a committee decision for Internal Overview and Scrutiny Committee to consider on this issue.

Councillor Derrick Beckett declared a personal interest as he had been a Member of the Policy and Resources Committee which had considered other aspects of the proposed leisure centre.

Councillor David Brown declared a personal interest as he had attended a Members' seminar which had looked at this issue.

Councillor Lavinia Edwards declared a personal interest as she had attended a Members' seminar which had looked at this issue.

Councillor Peter Moakes declared a personal interest as he had been a Member of the Strategic Development Committee which had considered other aspects of the proposed leisure centre.

Councillor James Palmer declared a personal interest as he had been the Chairman of the Leisure Facility Implementation Working Party and a Member of the Community Services Committee which had considered other aspects of the proposed leisure centre.

Councillor Jackie Petts declared a personal interest due to previous comments she had made on this issue.

Councillor Philip Read declared a personal interest as he had been a Member of the Policy and Resources Committee which had considered other aspects of the proposed leisure centre.

Councillor Mike Rouse declared a personal interest as he had been a Member of the Strategic Development Committee which had considered other aspects of the proposed leisure centre.

Councillor Gareth Wilson declared a personal interest as he had been a Member of the Policy and Resources Committee which had considered other aspects of the proposed leisure centre and had attended a Members' seminar on this issue.

68. **MINUTES**

It was resolved:

That the minutes of the meeting held on 2 February 2011 be confirmed as a correct record and be signed by the Chairman.

69. **CHAIRMAN'S ANNOUNCEMENTS**

No announcements were made.

70. **10/01020/FUM – NEW LEISURE CENTRE, DOWNHAM ROAD, ELY**

The Principal Development Control Officer, Alan Dover, presented a report to the Planning Committee, (K285) previously circulated, which gave details of the application, the applicant's case, the site and its environment, planning history and relevant planning factors and policies.

The Principal Development Control Officer reminded the Committee that additional comments had been received since the report had been published and these had been circulated to the Committee previously. The Committee was then advised about the reasons for the application, the circumstances and planning history of the site and the relevant planning issues that had to be taken into consideration. On balance the application was recommended for approval subject to the resolution of transport issues with conditions, including any additional conditions to be agreed by the Head of Planning and Sustainable Development.

Councillor Tony Parramint joined the meeting at this point, 2:15pm.

At the invitation of the Chairman, Mr Pocock spoke against the application. Mr Pocock made the following comments:

- Mr Pocock was there as a representative of the Ely Outdoors Sports Association (EOSA).
- EOSA were in favour of a lot of the proposal.
- There were a number of inaccuracies within the documentation, for example, EOSA owned the land and not Ely Rugby Club as stated.
- EOSA wanted a return to partnership working with a spirit of co-operation.
- There was a huge problem relating to parking on the site.
- The Council-owned field was sometimes used for parking.
- So EOSA would like to be able to use the parking at the proposed sports centre.
- A primary concern related to access to the site.
- There was also concern over the lack of consultation.

Councillor Ian Allen addressed the Committee and read out a statement of objection from Transition Ely. The objections related to the Paradise field, which should be retained and there was no evidence that the existing site could not accommodate an enhanced sports provision. The proposed location for the new leisure centre ignored PPS4 with reference to the sequential test and failed that test. The response of current users of the Paradise centre showed that 57% combined their visits with a visit to the city centre.

The planning application references the Paradise centre and the city centre, so these needed to be considered. The proposal would be intrusive, the suggested bus services would not happen and the best site for the leisure centre should have been identified. The application cut across Council policies. The viability of the city centre was a fundamental consideration. If the sports centre was located as suggested it would increase the number of car trips and would not support the city centre.

The County Council's response showed that access to the new location would be a fundamental consideration and a half-hourly bus service would be needed as a minimum. This requirement would not be met. This would be against policy. The leisure centre would be a stand alone facility in the countryside and there would be no integration with the neighbouring facilities. The opportunity to expand pitch provision at EOSA had been taken out and the proposed intensive sports at the site should be in the town.

Councillor Mark Duckworth joined the meeting at this point, 2:33pm.

Money would have to be spent on subsidising the bus service and for provision of the underpass. Although the aspirations for a leisure centre were supported this application was profit-led so should not be supported.

Councillor Mike Rouse thought the application was for a sound scheme which would support the existing clubs. Joint working with these should be the next stage. The site had developed over the years so it was a logical step to enhance it. This proposal would enhance the site through giving better access for buses and pedestrians and providing parking.

Councillor Derrick Beckett supported Councillor Rouse's comments and was satisfied that most of the objections to the proposal had been met. The area was rural and the villages would use this facility.

Councillor Gareth Wilson stated that consultations showed that more than half the people who used the existing facility then went on to use the city centre shops. Moving the facility to the new location would have a detrimental affect on the city centre. It had to be questioned what other areas had been looked at in the sequential test. In the main, as this Council owned the land it was sensible to use it. The County Council had grudgingly supported the proposal and it was hoped that their reservations had been included in the conditions. If the proposal was supported the suggested bus service would be needed every day of the week.

Councillor James Palmer declared that the fundamental view of the application was that it was a district application. Three out of four people did not live in Ely but they would pay for it. The limitations of the Paradise site were known and the proposal for the site was excellent and it would deliver a 'statement' building.

Councillor Anthea Davidson agreed that it was for a district-wide facility and people outside of Ely needed a voice. The consultation aforementioned showed that the people using the Paradise spent on average less than £10, so these people should not be relied on to use city centre shops.

Councillor Ian Allen queried whether there would be a rotational 30 minute bus service on the opening day. The Head of Planning and Sustainable Development advised that he would consider the transport conditions which would require details of the transport arrangements. The proposed conditions included a 5-year period to build the new facility and there could be considerable changes in passenger transport issues over that period. A travel plan would be submitted but at this stage it was not appropriate to be prescriptive on the future passenger transport services.

A motion was put to approve the application, duly seconded, and when put to the vote was declared carried.

It was resolved:

That planning application reference 10/1020/FUM be APPROVED subject to the resolution of transport issues and subject to the conditions as set out in the officer's report (with any subsequent additional conditions, or

amendments to wording, being delegated to the Head of Planning and Sustainable Development).

Councillors Ian Allen, Fred Brown and John Humphreys left the meeting at this point, 2:58pm.

71. **10/00908/FUM – LAND ADJACENT TO 3 SAXON BUSINESS PARK, LITTLEPORT**

The Planning Officer, Rebecca Saunt, presented a report to the Planning Committee, (K286) previously circulated, which gave details of the application, the applicant's case, the site and its environment, planning history and relevant planning factors and policies.

The Committee was advised about the reasons for the application, the circumstances and planning history of the site and the relevant planning issues that had to be taken into consideration. On balance the application was recommended for approval subject to the conditions detailed in the report.

The Chairman invited Mr Layn to speak in support of the application but he declined, although he made himself available to answer questions. In response to the Committee's questions, Mr Layn revealed that he was licensed to monitor the containers and that the site had a slight slope. This meant that efforts had been made to keep the containers on the same level.

Councillor David Brown thought that to mitigate visual intrusion Condition 3 should be amended so that the containers would be stored at ground level only with a height restriction to a certain level.

Councillor Anthea Davidson contended that the agreement should be subject to an agreement with Highways for adequate signage to the site before permission was granted.

Councillor James Palmer suggested that all the containers be painted olive green, though Mr Layn did point out that as a lot of containers were next to each other only the visible surfaces could be. Councillor Anthea Davidson therefore suggested that all exterior sides be painted instead.

A motion was put to approve the application with the amendments relating to Condition 3, the Highways agreement and painting the containers. This was duly seconded and when put to the vote was declared carried.

It was resolved:

That planning application reference 10/00908/FUM be APPROVED subject to the conditions as set out in the officer's report with the following amendments:

- Condition 3 be amended to remove the requirement for the containers to 'be stored at ground level only' but to restrict the height of the containers to a certain level;
- Adequate signage for access to the site must be agreed with the Highways Department before permission is granted;
- All visible surfaces of the containers must be painted olive green.

72. **10/00982/FUL- CHALK FARM, TEMPLE ROAD, ISLEHAM**

The Planning Officer, Penny Mills, presented a report to the Planning Committee, (K287) previously circulated, which gave details of the application, the applicant's case, the site and its environment, planning history and relevant planning factors and policies.

The Committee was advised about the reasons for the application, the circumstances and planning history of the site and the relevant planning issues that had to be taken into consideration. Council policy H8 was a primary consideration, which allowed for replacement dwellings in the countryside within certain parameters, but this application was outside those parameters. It was therefore, on balance, recommended that the application be refused due to the reasons as set out in the officer's report.

At the invitation of the Chairman, Georgina Challis spoke in support of the application and made the following comments:

- The two key issues related to policy H8 and permitted development.
- H8 was generally in favour of replacing a dwelling in the countryside, with a guide maximum increase of 25% in size.
- However, this was incompatible with the Permitted Development Order.
- The Council's Core Strategy had been agreed back in May 2008, which was before the General Permitted Development Order came in.
- Therefore policy H8 was not sound.
- The fallback position shown in the application was a significant consideration in determining the application and would be worse than the proposed development.
- Residential use would not be abandoned.
- The proposed replacement dwelling, in design, size and scale, would be a visual enhancement.

Councillor David Brown thought that it could be argued that policy H8 was a guide, so there could be some flexibility. The current dwelling was a typical farmhouse but it sat next to a big barn, which deserved a big house.

Councillor Gareth Wilson also noted that there were a number of barns around the dwelling and that no objections had been received from neighbours. Sensible rules should be followed and, in this case, the sensible proposal meant that the policy should be ignored.

Councillor Derrick Beckett reminded the Committee that it was not there to discuss policy H8, but to give it due consideration in relation to the application. In that regard the application should be considered an exception and be approved.

Councillor Mike Rouse agreed with this view and thought the proposal would help protect the countryside and give more character to it. The well designed replacement would be better than the existing dwelling.

Councillor Anthea Davidson reminded the Committee that there were guidelines to be considered and policy H8 had been approved by the Council. This application was for a bigger dwelling than that allowed for by six-fold. The

suggested fallback position would not work, making the applicant's argument unfair.

A motion was put to reject the officer's recommendation for refusal as the proposal was, on its merits, an exception to policy H8, permitted development rights would have allowed for a larger dwelling than that proposed and the proposal would enhance the character of the area. When put to the vote this was declared carried.

A motion was then put to delegate the agreement of appropriate conditions to the Head of Planning and Sustainable Development but with permitted development rights (Class A only) removed. When put to the vote this was declared carried.

A motion was then put to approve the application with the above delegation of conditions. This was put to the vote and declared carried.

It was resolved:

That the officer's recommendations for refusal be rejected for the following reasons:

- on its merits the proposal was exceptional to Policy H8;
- permitted development rights would have allowed for a larger dwelling than that proposed;
- the proposal would enhance the character of the area.

It was further resolved:

That planning application reference 10/00982/FUL be APPROVED subject to the agreement of appropriate conditions delegated to the Head of Planning and Sustainable Development and with permitted development rights (Class A only) removed.

73. **SOHAM VILLAGE COLLEGE, SAND STREET, SOHAM**

The Planning Officer, Penny Mills, presented a report, (K254) previously circulated, which submitted details for compliance with condition 6 of planning application 10/00750/FUL.

The Planning Officer reminded the Committee it had requested that submitted details of condition 6 of the planning application be brought back to the Committee for consideration. The report detailed those submissions and it was stated that Environmental Health had found the suggested lighting scheme acceptable.

At the invitation of the Chairman, Mrs Scarlett spoke against the application and made the following comments:

- College Close was peaceful but its residents accepted that there would be some disruption during term time.
- There was strong opposition to the suggested long hours and some dismay over changing the use from tennis to all other use.
- This would increase the potential for increased disturbance.

- Residents requested that the courts should close at 6:30pm Fridays to Sundays, as this would resemble a reasonable compromise.
- The non-evergreen hedge would not give a buffer to noise, though there should be sufficient screening.

At the invitation of the Chairman, Mr Peryer spoke in support of the application and made the following comments:

- Construction had started on the new courts.
- There were three issues for consideration about the use of the courts: (i) for the college curriculum and after-school clubs; (ii) for the local tennis club; (iii) the wider community.
- The floodlights would primarily be for the use of the tennis club, but it would be difficult for the club if use of the floodlights were to be restricted to before 9pm.

Councillor James Palmer was concerned that community use of the courts could be restricted by limiting the bookings allowed. He wanted reassurance that there would be a commitment for community use.

Mr Peryer reminded the Committee that the College would have to work within the restrictions imposed. Bookings would be taken every day of the week and there was no intention of restricting community use. Bookings would be taken for tennis only, although the courts were marked out for other sports as part of the curriculum. All eight courts would be managed as a whole, which was the common sense approach.

Councillor Mark Duckworth expressed concerns about the consequences for residents, in particular the affect the hours of use would have on residential amenity. Consequently noise would be a problem, as changing the use to anything would allow 5-a-side football which would create worse noise. There needed to be a balance between promoting sport and the residents' amenity.

The Head of Planning and Sustainable Development advised the Committee that changing the wording in the condition to cover any use would make it easier to enforce conditions and give the Council control over any use of the courts.

Councillor James Palmer thought that the hours of use be changed to mitigate the potential problems and, after some discussion, proposed that the courts be available for use from 8:30am to 9:00pm Mondays to Thursdays, 8:30am to 6:30pm on Fridays, and 10:00am to 6:30pm on Saturdays and Sundays.

A motion was put, and seconded, to reject the recommendations as detailed in paragraph 2.1 of the report because of the adverse impact on residents' amenity. When put to the vote this was declared carried.

A motion was then put, and seconded, to approve the recommendations with a proposed amendment, relating to times of use, and when put to the vote this was declared carried.

It was resolved:

That the recommendation for approval of the proposed scheme be rejected for the following reason:

- adverse affect on residential amenity.

It was further resolved:

- (i) That the use of courts shall only take place within 8:30-21:00 Mondays to Thursdays; 8:30-18:30 Fridays; 10:00-18:30 Saturdays, Sundays and Bank Holidays;
- (ii) That for a maximum of one day per calendar month, the use of the courts can extend to 22:00, to allow for special events. This exception can only be applied Monday-Saturday and cannot be used on a Sunday or Bank Holiday;
- (iii) That the hours of use stated above relate to any use of the courts, not just playing tennis.

The meeting finished at 4:23pm.