



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee
held in the Council Chamber, The Grange,
Nutholt Lane, Ely on Wednesday, 3rd January 2018
at 2.00pm

P R E S E N T

Councillor Joshua Schumann (Chairman)
Councillor Christine Ambrose Smith
Councillor David Chaplin
Councillor Paul Cox
Councillor Mark Goldsack
Councillor Bill Hunt
Councillor Mike Rouse
Councillor Stuart Smith

OFFICERS

Julie Barrow – Senior Planning Officer
Tim Driver – Planning Solicitor
Chris Hancox – Planning Officer
Lorraine King – Conservation Officer
Catherine Looper – Planning Officer
Janis Murfet – Democratic Services Officer
Andrew Phillips – Senior Planning Officer
Rebecca Saunt – Planning Manager

ALSO IN ATTENDANCE

Councillor Lorna Dupré
Councillor Lis Every
Councillor Richard Hobbs
Councillor Julia Huffer
Councillor Alan Sharp
Councillor Lisa Stubbs
Approximately 35 members of the public

129. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Councillors Sue Austen, Derrick Beckett and Lavinia Edwards.

There were no substitutions.

130. DECLARATIONS OF INTEREST

Councillor Goldsack declared a non pecuniary, non personal interest in Agenda Item 5 (17/01128/FUM – Barcham Trees Plc, Eye Hill Drove,

Soham) as he had discussed the application and expressed an opinion. However, he wished to make it clear that this would in no way take away from his judgement of the application.

131. MINUTES

Further to Minute No.121 (Site Adjacent to No. 8 The Firs, Wilburton, CB6 3FL), it was noted that following publication of the agenda papers, Councillor Hunt had asked for the following comments to be added:

- Second bullet point on page 15 – ‘... sole owner of the site. *The site was in different ownership from that of the adjacent Grade II listed cottage in the High Street which was owned by the Pell Estate.*’
- Penultimate paragraph on page 17 – ‘... the street scene and adjacent properties. *The Chairman also said that there were no nearby bungalows and a bungalow would be out of character with the area and Councillor Hunt interjected with a point of clarification and pointed out that the property opposite the application site was a bungalow.*’

Members had been provided with a copy of the proposed amendments prior to the meeting, and the copy of the minutes to be signed by the Chairman had been revised accordingly.

It was resolved:

That subject to the proposed amendments, the Minutes of the Planning Committee meeting held on 6th December 2017 be confirmed as a correct record and signed by the Chairman.

132. CHAIRMAN’S ANNOUNCEMENTS

The Chairman introduced Chris Hancox, Planning Officer, who had joined the Planning Department on 2nd January 2018, and welcomed him to his first meeting of the Committee.

133. 17/01128/FUM – BARCHAM TREES PLC, EYE HILL DROVE, SOHAM, CB7 5XF

Julie Barrow, Senior Planning Officer, presented a report (S203, previously circulated) which sought consent for the development of an arboretum, including a lake and activity areas, together with a Visitor Centre comprising internal and external retail spaces, a café/restaurant, an entrance area and first floor conference facilities on the existing Barcham Trees site.

The Senior Planning Officer asked Members to note the following points of housekeeping:

- The following additional planning condition was recommended:

28. *As an exception to the hours of use specified in condition 16, the Arboretum and Visitor Centre (excluding conferences) can be used on a maximum of six separate days in each calendar year between the hours of 09:00 and 21:30 on Monday – Saturday. The applicants shall keep a register of all such events, which shall be available for inspection by the Local Planning Authority upon request;*

- Correction to page 7 of the report – comments dated 22nd November 2017 from Middle Fen & Mere Internal Drainage Board. The words ‘*applying for consent from the Board*’ should be added;
- Addition to page 10 (Conservation Officer’s comments) – Following the submission of further information, the Conservation Officer was satisfied with the conclusions reached and that no further information was required.

It was also noted that a further letter had been received from the British Horse Society after the publication of the agenda, and this had been circulated to Members.

The site was located outside of the established development frameworks for both Ely (c. 2.4 miles to the north-west) and Soham (1.3 miles to the south-east). The site was currently used as part of the wider container nursery business. The A142 ran along the western boundary of the site and Eye Hill Drove to the south which was a narrow single country track. There were a number of residential properties which fronted onto Eye Hill Drove itself.

The application was called in to Planning Committee by Councillor Mark Goldsack ‘*because of the size of the application, the effect on the local area, and the highways issues pertaining to the application.*’ Councillor Goldsack thought that because of these and other aspects, it would be best for the application to go before the full Planning Committee for final decision.

A number of illustrations were displayed at the meeting. They included a map, an aerial view, an artist’s impressions of the proposal, elevations, floor plans and a map showing parking and access to the facility.

The Committee noted that the key issues for consideration in the determination of this application were:

- Principle of development;
- Visual amenity including historic environment;
- Residential amenity;
- Traffic & transportation;
- Parking provision; and
- Biodiversity & ecology.

In terms of the principle of development, the proposal did not fit neatly with one specific development policy plan. The scheme had therefore been assessed against policies relating to the locational strategy for development, the extension of existing businesses in the countryside and the provision of tourist and visitor attractions. Given the current status of the Proposed Submission Local Plan, it was considered that moderate weight should be given to the emerging policies. However, both the current Local Plan and Proposed Submission Local Plan were in accordance with the core principles of the National Planning Policy Framework (NPPF) in relation to supporting a prosperous rural economy through promotion of the development and diversification of land-based rural businesses and the support of sustainable rural tourism and leisure developments that benefitted businesses in rural areas and which respected the character of the countryside.

The Senior Planning Officer stated that at present there were limited opportunities for customers to visit the business and the applicant was seeking to showcase their products in the arboretum as well as providing enhanced conference and educational facilities that were separate from the operational side of the business. The application site was adjacent to the existing operational buildings and did not compromise the functionality of the existing business in any way.

It was noted that the business currently had 50 full time employees, with an additional 25 staff employed in the planting season (November to April). This was expected to rise to 100 full time employees and 25 seasonal staff once the arboretum and visitor centre were established. The annual turnover was £5.5 million, and this was expected to increase to circa £10 million.

It was considered that the established nature and size of the existing business was such that the proposal was a viable business proposition. The scheme had the support of the Council's Tourism & Town Centre Manager who believed that this unique facility would be beneficial to the local and tourist economy and would increase footfall and dwell time to this particular part of the District.

Both the current Local Plan and Proposed Submission Local Plan required justification for the location of retail and other town centre uses outside of the designated town centres of Ely, Soham and Littleport. The applicant had submitted a Retail Impact Assessment (RIA) and at the Case Officer's request, an Addendum was also submitted to expand upon the details in the original document.

Many of the sites allocated for development in the current Local Plan were either too small or financially unviable due to their brownfield status. Where sites were identified as being available and suitable, the applicant had concluded that it would be unsustainable to have to transport their goods to the location when there was the capacity to accommodate the development on their existing site. Disaggregation would not be feasible as each of the elements proposed relied upon one another and supported one another whilst relating specifically to the existing business.

Members noted that the Arboretum would become the dominant feature in the landscape. While views of the development as a whole might

be possible from residential dwellings on Eye Hill Drove and Nornea Lane, they would be mitigated by intermediate vegetation, the orientation of their outlook and distance. Over time, the Arboretum and boundary planting would become established and enclose and screen the Visitor Centre building.

The proposal would result in a change in the character of Eye Hill Drove, by virtue of the provision of a wider road surface together with a pedestrian footpath and the additional traffic that used it. There would be a loss of roadside trees and hedgerows along the length of Eye Hill Drove to the proposed access to the site, but the applicant had stated its commitment to provide replacement planting, taken from its own stock.

Given the applicant's ability to plant mature trees to compensate for the loss of the existing vegetation, it was considered that the proposal did not conflict with elements of Policies EMP2, EMP7 and ENV1 to such an extent that would warrant refusal of the application.

It was acknowledged that the proposal as a whole, including the highway improvement works, would have an effect on the residential amenity of existing occupiers on Eye Hill Drove. The access into the site had been moved south-west along the Drove by approximately 15 metres to ensure that it was no longer located directly opposite Eye Hill Farm, thereby minimising the impact of the proposal on the occupiers of this dwelling.

There would be a certain level of noise and disturbance from traffic movements and users of the Visitor Centre, as well as increased deliveries to the site in connection with the retail stock and café/restaurant. Environmental Health had been consulted on the application and had recommended the imposition of a number of appropriate planning conditions. It was considered that subject to these conditions and the strengthening of boundary treatments with the dwellings to the north-west of Eye Hill Drove, the proposal would not have a significantly detrimental impact on residential amenity such that would warrant refusal of the application.

In connection with traffic and transportation, it was noted that the applicant was working with the Local Highway Authority (LHA) to achieve a comprehensive scheme of highway improvement works. They had been informed at the pre-application stage that a ghost island right turn facility would be required at the A142/Eye Hill Drove junction. The proposed junction improvements were the subject of a Road Safety Audit by Cambridgeshire County Council and the subject of detailed discussion with the Local Highway Engineer.

The Committee also noted that there was a 'pinch point' on Eye Hill Drove, approximately 25 metres from the new access; it would be 4.5 metres wide, as the land required to widen the road at this point was not in the control of the applicant or the Highway Authority. The LHA had stated that this 'pinch point' was located far enough away from the A142 that it should not have a significant detrimental effect on highway safety, but it would need to be formalised with signage and road markings.

Councillor Goldsack has raised that he believes the pinch point is 2.5 metres from the access and 3 metres wide, i.e. the width of the existing highway. The plans submitted indicate that the pinch point is located

approximately 25 metres from the proposed access and that it does narrow to the width of the existing highway at one point.

The Transport Statement submitted with the application contained reference to the fact that the proposed development was unique and therefore it was difficult to quantify the likely number of trips that could be generated. The County Council's Transport Assessment Team had reviewed the Statement and held detailed discussions with the applicant's agent about the day to day operation of the site and its likely impact on the wider highway network. It was considered that subject to a condition restricting the hours of use of the conference facilities, the proposal would not have a severe impact on the highway network.

The Senior Planning Officer informed Members that a total of 150 formal car parking spaces were proposed, with an area for overflow parking. There would also be disabled spaces, coach parking and a coach drop off area, and space designated for cycle parking. The Transport Assessment Team was satisfied that this would be sufficient, as it was very unlikely vehicles would park on the public highway. In addition, the proposed bus stop and footway improvements would encourage the use of public transport and reduce the reliance on the private motor vehicle.

An extended Phase 1 Habitat Survey was submitted in support of the application. The survey considered that the site had minimal ecological value due to its transitional nature with trees regularly moved as part of the business. There would be the loss of an Oak tree and Ash Tree on Eye Hill Drove, but mature specimens would be planted to replace them. The applicant had worked with Natural England and the Body was satisfied that there would be no adverse impact on the Site of Special Scientific Interest; Fen Ragwort habitat would be incorporated within the proposed scheme, which was considered to be a benefit.

It was noted that the application was supported with a Flood Risk Assessment and Surface Water Drainage Strategy. The Lead Local Flood Authority had been consulted and had raised no objections to the principle of the surface water drainage methods proposed, subject to a detailed scheme being secured by condition. The Internal Drainage Board had raised no objections to the proposal providing it did not increase surface water drainage run off rates above Greenfield levels.

The Senior Planning Officer reminded Members that the British Horse Society had raised objections to the application and wished to have a dedicated Bridleway (to meet BHS standards) reinstated. Officers considered this would be unreasonable, as the highway improvements proposed would adequately address the safety of motorised and non-motorised traffic.

At the invitation of the Chairman, Ms Emma Watson and Mr Neil Waterson addressed the Committee in objection to the application and made the following comments:

Ms Watson:

- She lived at Eye Hill Drove and was speaking on behalf of the residents;

- They supported the application in principle but the highway safety needs had to be considered;
- The junction with the A142 was a known accident cluster. The road was shared by horticultural vehicles and lorries, which had to swing wide out onto the road. Pedestrians would have to cross the road at this point;
- There would be a significant increase in traffic and the roadway narrowed down from 4.5 metres to 3.5 metres at the pinchpoint. This could be a significant risk to all highways users;
- The proposed path encroached on private land;
- Cars would accelerate towards the pinchpoint;
- The Drove was designed for use by agricultural vehicles and insufficient consideration was being given to non motorised traffic.

Mr Waterson:

- He worked for Bidwells. His client was Scotsdales Garden Centre Ltd and they had concerns regarding the retail aspect of the application;
- He did not believe the application had been properly scrutinised in keeping with the National Planning Policy Framework or Planning Policy Guidance;
- If approved, the proposal would be larger than all the other businesses in the area, except Tesco and Sainsbury;
- There were false and misleading comments in the Retail Impact Assessment and Scotsdales was not closing;
- The scheme would not be ancillary to the existing business.

At this point the Chairman advised Mr Waterson that the 5 minutes of public speaking time had been exhausted.

At the invitation of the Chairman, Mr Holmes-Chatfield, applicant, (accompanied by Mr Tony Doyle, highways agent) addressed the Committee and made the following points:

- Barcham Trees had been working in the community for over 35 years. It was a leading horticultural business and specialised in trees;
- The proposal was the country's first and would help to strengthen ties with the community and create more jobs, bring in tourism and would also show that trees could be used for educational purposes etc;
- He understood the concerns regarding the change of appearance, but he was not a developer and this would be a change for the better;

- With regard to equestrian safety, there would be clear signage and a right turn only;
- He hoped that Members would see the value of the project.

In response to a number of questions from Councillor Goldsack, Mr Holmes-Chatfield confirmed that the number of employees would double in size and the existing conference centre would transfer to a more user friendly building. With regard to the numbers attending conferences on the site, the worst case scenario would be up to 60 delegates, which may or may not car share.

Councillor Hunt enquired about vehicles leaving the site and Mr Doyle replied that there would be appropriate sized signage to direct people straight to the A142. Councillor Hunt then asked Mr Holmes-Chatfield to clarify whether or not the two garden centres in Fordham were closing; Mr Holmes-Chatfield replied that this was a mistake, they were staying open.

Councillor Goldsack said a resident of Barcham Road had told him about staff turning left out of the road. Mr Holmes-Chatfield acknowledged that he had received a complaint, which turned out to be one of the new employees and the matter had been dealt with immediately.

Councillor Ambrose Smith enquired about staff parking and was advised that the existing parking would be developed.

Councillor Cox asked if the attendees at conferences were local, and Mr Holmes-Chatfield replied that some were local and others came from further afield. Most had attended a number of conferences there and were familiar with the site.

The Chairman asked if conference delegates were sent access details prior to a conference and Mr Holmes-Chatfield confirmed that they were.

At the invitation of the Chairman, Parish Councillor Charles Warner, Vice Chairman of Soham Town Council, addressed the Committee and made the following comments:

- Soham Town Council unanimously supported the proposal because it would bring 40 new permanent jobs and be a significant community asset;
- The company was internationally known, held two Royal Warrants, was linked to Reading University and was a leader in bio-security;
- The scheme would be a statement for future generations and an educational facility for the future;
- The conference facility would not change but there would be an increase in traffic, namely coaches and cars;
- There were concerns about the traffic on the A142 and from his own observations he could say that cars went past at the rate of one every 10 – 12 seconds at peak times;

- While everyone looked forward to the opening of the Ely Southern Bypass, there was no reference to the increase in traffic that this would bring;
- It would take considerable acceleration for a car to exit the site and safely join the flow of traffic. A filter to the left would help;
- There were major concerns about the back road. Asking people to turn right was the correct thing, but locals would turn left and therefore a Traffic Regulation Order would be needed;
- There was a conflict regarding the boundary at the pinch point;
- Despite their concerns, the Town Council wanted to make sure the planning application was granted permission.

The Chairman reiterated that the ownership of land was not a material planning consideration.

Councillor Hunt shared Councillor Warner's concerns about the level of traffic once the bypass had opened, but he was of the opinion that the A14 would be improved within two years; he believed that traffic would not then come along the A142. Councillor Warner replied that he was not so sure, as using the A142 could save drivers 12 miles. However, he agreed that having the larger vehicles turning left onto the A142 would help safety.

At this point the Committee was informed that Mrs Lynda Warth, British Horse Society (BHS), had been registered to speak, but was now unable to attend due to illness. She had therefore submitted a copy of her statement and this had been tabled at the meeting. The Chairman asked Members if they wished the statement to be read out, but they indicated that they had noted her remarks and so this was not necessary.

The main points of Mrs Warth's statement were as follows:

- Whilst the BHS did not object to the creation of the commercial venture in principle, it objected to the proposals to use Eye Hill Drove for the main entrance without any mitigation for the protection of the safety of local horse riders;
- Eye Hill Drove and the connecting Barcham Road were quiet, narrow tree lined lanes. With over 30 horses liveried on these lanes, owners regularly used Eye Hill Drove and Barcham Road to exercise their horses and access their yards;
- The increasingly busy A142 was almost impassable safely by horses and with further development planned for Soham, traffic was only likely to get worse;
- If the application was approved, Eye Hill Drove/Barcham Road was likely to become a 'rat run' for visitors heading for Soham Town and not wishing to join a queue to exit onto the A142. This would increase the propensity for accidents with riders – the most vulnerable non motorised user group;

- There was nothing within the reports from the Transport/Highways Department to address this potential problem and it was the major factor causing concern for local equestrians;
- The BHS proposed that a Traffic Regulation Order be placed on Eye Hill Drove just beyond the existing access to Barcham Trees Plc. Access would be controlled by a barrier or some other method, with residents being provide with a key/code/fob to gain access. Clear signage would advise that it was a no through road for unauthorised vehicles.

Councillor Goldsack said that while the proposal would be wonderful for Soham, he had grave concerns regarding Eye Hill Drove because it was a living and working environment. The scheme would have 150 parking spaces for a reason, and if there were 48 vehicles bumper to bumper along the road to the site, the road would be blocked. The point about it being an accident cluster was correct as he had lost a friend at that location. He believed highway matters were being looked at in a binary fashion, but he completely agreed that a way must be found to make the application work. He said he found it interesting that a number of previous planning applications for residential dwellings had been refused in this locale because of concerns regarding highway safety.

Councillor Rouse commented that the business had grown over the years and continued to do so. He thought it would be better to have planned growth rather than piecemeal development. The proposal would provide improved access; however it was not for the applicant to solve historic highways problems. Barcham Trees Plc was truly unique and few people realised just how much the company was a leader in its field. The logical place to have an arboretum was in the countryside and he would support the application.

Councillor Hunt agreed, saying this was an exciting proposition and it should be supported. He did however have a caveat regarding the accident spot at the junction with the A142. He was convinced that traffic would increase until the A14 opened and he had concerns about large vehicles turning right. He asked if it would be possible to put a restriction in place to prevent any vehicle over 7.5 tonnes turning right and instead requiring them to go up to the Soham roundabout to turn.

The Planning Manager replied that this could potentially be conditioned, if County Highways was content. However, the Chairman expressed concern that the application was not about the Ely Bypass; he reiterated Councillor Rouse's earlier point that the applicant should not be laboured with an historic problem and he invited Mr Ian Dyer, County Highways Engineer, to comment.

Mr Dyer stated that a Traffic Regulation Order would be required to enforce such a measure, and it would be subject to a separate process rather than through planning. He would have to take advice as he had not come across this before. He reminded Members that the proposal had been subjected to a Stage 1 Safety Audit and Highways was satisfied that it would work within safety parameters. Mr Doyle interjected to say that the applicant would look to have a voluntary agreement with the HGV drivers, and the

Chairman added that Barcham Trees Plc was a major employer and Members should have trust in them.

Councillor Goldsack asked that coaches be included in any voluntary agreement.

It was duly proposed by Councillor Rouse and seconded by Councillor Hunt that the Officer's recommendation for approval be supported. When put to the vote,

It was resolved unanimously:

That planning application reference 17/01128/FUM be APPROVED subject to the recommended conditions as set out in the Officer's report, with the Planning Manager being given delegated approval to agree the conditions with the applicant and with the inclusion of the following additional condition:

- As an exception to the hours of use specified in condition 16, the Arboretum and Visitor Centre (excluding conferences) can be used on a maximum of six separate days in each calendar year between the hours of 09:00 and 21:30 on Monday – Saturday. The applicants shall keep a register of all such events, which shall be available for inspection by the Local Planning Authority upon request.

134. 17/01395/FUL – 33 CAMBRIDGE ROAD, ELY, CB7 4HJ

Catherine Looper, Planning Officer, presented a report (S204, previously circulated) which sought consent for a single storey rear extension and loft conversion, including a dormer window to the rear aspect of the roof. The application also sought an alteration to the pitch of the roof at the rear of the dwelling, which would extend the side elevation of the rear element of the dwelling by 1.3 metres. The proposed single storey rear extension would bring the side elevation of the dwelling closer to the south boundary of the site and would extend the ground floor by 4 metres further into the garden.

The site was located within the Conservation Area of Ely. Cambridge Road was characterised by large dwellings which were positioned closely together. The dwellings were generally set back from the public highway, with a small amenity space to the front.

It was noted that the application had been called in to Planning Committee by Councillor Richard Hobbs

A number of illustrations were displayed at the meeting, including a map, an aerial image outlining the application site, the layout and elevations of the proposal, a block plan, and a photograph of the street scene.

The Committee noted that the key issues for consideration in the determination of this application were:

- Visual Amenity
- Residential Amenity

- Conservation Area

The Planning Officer stated that in terms of the visual impact of the proposal, the alterations to the dwelling would not be visible from the public highway of Cambridge Road as they were positioned to the rear of the dwelling. The neighbouring dwellings and rear boundary treatments within the garden areas would prevent the alterations being visible from the side road adjacent to Number 31a. The materials proposed would match the original dwelling and were not considered to be out of keeping.

With regard to residential amenity, it was noted that the extension at ground floor level would feature a flat roof, and although this might be visible from neighbouring dwellings, it was not considered to cause a significantly harmful level of overbearing or overshadowing due to its single storey nature. The windows would be blocked from view by the boundary fencing between the dwellings. At first floor level, the existing side elevation would be widened by 1.3m, and the roof slope adjusted accordingly. The windows proposed would be obscured glazed in the vertical elements to prevent direct overlooking. The dormer window to the roof slope was not considered to create a significantly harmful level of overlooking due to the existing presence of windows in the rear elevation of the dwelling. The potential for additional windows in the future could be controlled by condition to prevent overlooking impacts on neighbouring residential dwellings.

Members noted that, in connection with the historic environment, the proposal would be sympathetic to the surrounding area and the street scene in terms of the materials proposed, and it would not be visible from the street scene of Cambridge Road. The Conservation Officer had been consulted regarding the application and had stated that she still had concerns about the impact on the Conservation Area. However, the harm caused by the proposals would be less than substantial and therefore should be weighed against the public benefit of the scheme.

On balance the proposal was considered to comply with planning policy. It was not considered to create significantly harmful impacts to the neighbouring dwellings or on the visual amenity and character of the Conservation Area and it was therefore recommended for approval.

At the invitation of the Chairman, Dr Andrew Turton spoke in objection to the application and made the following points:

- He and his family lived next door at No.35. He had raised many concerns because the proposal would affect their home and lives. His son had Downs Syndrome;
- No. 33 Cambridge Road was not being used as a family home. It had a separate flat to the rear, which did not have planning permission, and the applicant had not mentioned this. The building was being operated as a House of Multiple Occupation, with a large number of residents;
- Approval of the application would increase overlooking, cause a loss of privacy and increase occupancy of the building;

- The occupants of the building were causing a social disturbance, and he had already noticed the smell of cannabis in his son's bedroom;
- He had taken professional advice and had been advised that multiple occupation was a material planning consideration. However, he had no confidence that anything would be done about it;
- Most of the windows in his house faced No. 35 and the extension would be a big obstruction which would dominate his outlook, making his garden feel enclosed;
- The residents of No. 35 would be able to look over the fence and see into his house;
- No consideration had been given to the occupiers of neighbouring properties. The applicant had not tried to speak to him about the application, he had seen no drawings for the proposal and a block plan was not submitted originally with the application;
- If approved, the proposal would have a major impact on residential amenity and the property was being operated illegally.

Councillor Hunt asked Dr Turton if the windows on the second floor of the house directly overlooked him. Dr Turton replied that it was proposed to obscurely glaze the windows, but on the ground floor they would be only 1 metre away and this would cause a loss of privacy.

Councillor Rouse commented that there might be a need for houses of multiple occupation (HMOs) in Ely, but even if it was a family home, would there still be an issue with overlooking? Dr Turton responded by saying that a wall, 11 or 12 metres long and 3 metres high, would be very imposing; the house should be used conventionally.

Councillor Cox enquired about the occupants of No. 33 and whether they were adults. Dr Turton replied that they were mostly very pleasant, but there had been whole families living in single rooms.

Councillor Ambrose Smith said she understood Dr Turton's concerns, but the house looked as though it had been added to piecemeal over the years. She wondered whether trellis and planting to the side might address the issue of overlooking. Dr Turton said that he already had a 6' fence; every single room was a bedroom and he fully expected there to be further subdivision of the property.

At the invitation of the Chairman, Mr Philip Kratz, agent, addressed the Committee and made the following comments:

- The principle of remodelling was acceptable. This three bedroom house had been used as a HMO, but substantial investment was going on and the property would be brought back into use as a family home;

- Under Permitted Development Rights it was a C3 dwelling house, which can be lawfully be used as a small HMO, which would now be changed to a four bedroom dwelling;
- The proposal was remodelling the extension at ground floor level, which would be single storey;
- Permission was required for the loft conversion;
- The windows at first floor in the side elevation would be conditioned to be obscurely glazed, so there would be less overlooking than at present, as there are no restrictions on these windows;
- The ground floor extension would be 1.3 metres closer to the boundary. There would be no overlooking at ground floor and little at first floor level;
- The scheme would not introduce any overlooking, as it already existed and was being mitigated;
- The proposal was essentially on the same footprint, but would introduce a degree of betterment;
- The principles of good neighbourliness had been observed;
- Here was an opportunity to make a significant investment and bring a property back to use as a family home. There were no grounds for refusal.

In response to a question from Councillor Goldsack about the velux windows, Mr Kratz stated that they would be part vertical.

Councillor Rouse asked if the property was a HMO or whether it would be converted back to a family home. Mr Kratz replied that under the C3 Use, it could have limited use as a HMO, but the intention was to remodel it as a family home. Councillor Hunt interjected to remark that there was a huge difference between intention and confirmation. Mr Kratz continued, saying it would be C3 Use, and could only be used for that.

Councillor Cox felt the inference was that the property was not a family home at present and might not become one. Councillor Goldsack disagreed with Mr Kratz that everyone could turn a house into a HMO as there were regulations to be complied with. He noted that Mr Kratz had stated the house was to be turned back into a family home thereby implying that it was not one at present. Mr Kratz replied he was only concerned with planning matters.

At the invitation of the Chairman, Councillor Richard Hobbs, a Ward Member for Ely East, addressed the Committee and made the following points:

- This was not simple and the residents next door to No. 33 were in an intolerable situation;

- Consideration should be given to the implications of granting approval and the impact it would have on the neighbours;
- Although Cambridge Road had on street parking, it was always difficult to find parking spaces. This application proposed another bedroom, but did not include any extra parking provision and so would increase the problems;
- It was time to take a stand and Members should refuse the application.

Councillor Hunt was aware of some parking next to 31a Cambridge Road, and he asked if it related to this property. Councillor Hobbs replied that he was unsure, but the parking situation on Cambridge Road was something of a free for all and the road simply could not take anymore.

Councillor Hunt continued, saying he lived some considerable distance away on Cambridge Road. Having listened carefully to the Ward Member's comments, he proposed that the application be refused on the grounds that it would cause a lack of amenity, a reduction of light and air to No. 35, a lack of parking and it was overdevelopment. The motion was seconded by Councillor Smith.

The Planning Manager said it would be unreasonable to refuse the application because of a lack of parking, as this was an existing situation, and while a reduction of light was acceptable, a lack of air would not be a valid reason.

Councillor Rouse felt there was a dilemma because he believed the proposal for the extension and loft conversion to be reasonable. However, there were the issues of whether or not the property was a HMO and the impact the scheme would have on the neighbours.

The Chairman added that inconsistent use was a material consideration according to the Royal Town Planning Institute.

The Planning Manager reminded Members that they were not being asked to determine the application as a HMO and Enforcement had already looked at this issue. This was an extension to a dwelling which could be used as a small HMO under Permitted Development Rights and it would be lawful.

Councillor Chaplin thought this to be an aggravated situation because Environmental Health and Enforcement had been out to the property but had found no evidence of its use as a larger HMO which would require planning permission. He did not feel it was a planning issue and therefore Members should approve the application. Councillors Goldsack and Ambrose Smith concurred, saying that it would be for Environmental Health to monitor the use of the house.

The Committee then returned to the motion for refusal. When put to the vote the motion was declared lost, there being 3 votes for, 4 against and 1 abstention.

It was duly proposed by Councillor Chaplin and seconded by the Chairman that the Officer's recommendation for approval be supported. When put to the vote the motion was declared carried, there being 5 votes for and 3 against. Whereupon,

It was resolved:

That planning application reference 17/01395/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

There was a short comfort break between 3.35pm and 3.45pm.

135. 17/01445/OUN – LAND REAR OF GARDEN CLOSE, SUTTON

Julie Barrow, Senior Planning Officer, presented a report (S205, previously circulated) which sought outline planning permission for up to 53 dwellings together with associated development including open space. Access was to be determined at this stage with appearance, landscaping, layout and scale to be reserved matters.

On a point of housekeeping, Members were asked to note the letter from the agent, which had been received after publication of the agenda; this had been circulated to Members in advance of the meeting.

Members' attention was also drawn to comments made by Councillor Dupré, Ward Member for Sutton, on page 4 of the report.

The site was situated outside the established development envelope of Sutton and adjoined the settlement boundary to the north and west, which marked the edge of the built form of the village. There was modern residential in Garden Close and a more historic pattern of development along Station Road. The Sutton Conservation Area adjoined the northern boundary of the site and there were a number of listed buildings on Station Road and within close proximity to the site.

It was noted that the application had been called in to Planning Committee in accordance with the Council's Constitution as the proposal was for over 50 dwellings.

A number of illustrations were displayed at the meeting. These included a map, an aerial image of the application site, an indicative layout of the proposal, and a drawing clarifying the general development on the site.

The Committee noted that the key issues for consideration in the determination of this application were:

- Principle of Development;
- Visual amenity;
- Historic environment;
- Residential amenity;

- Highway safety;
- Drainage and flood risk; and
- Biodiversity and ecology.

Speaking of the principle of development, the Senior Planning Officer said the Council could now demonstrate that it had a five year supply of land for housing.

Part of the application site had been allocated for residential development in the Proposed Submission Local Plan (Proposed allocation SUT.H2 – 1.8 hectares – 25 dwellings). The full application site was subsequently put forward at the second stage of consultation of the draft Local Plan and the Strategic Planning Team conducted a further assessment of the proposal based on an indicative figure of 60 dwellings. The full site was rejected and had therefore not been carried forward into the Proposed Submission Local Plan. The principle of residential development on the scale proposed on the application site was therefore considered to be contrary to the adopted and emerging development plans.

In terms of visual amenity, it was considered that the scale and form of the development would be harmful to the character and appearance of the area. It would extend the built form into the countryside and the density of the proposal was higher than that envisaged under SUT:H2.

Members were reminded that the application site was considered by the Planning Inspectorate in 1988 following refusal of planning permission for 75 dwellings. The Inspector had regarded the development as a peripheral expansion of the village, and with the scale of development proposed, he did not regard it as a logical rounding off to the existing settlement pattern, but more as an intrusion into the countryside.

With regard to the historic environment, a Heritage Statement submitted with the application referred to the physical dominance of St Andrew's Church and conceded that the proposed development would have some impact upon its wider setting. At the request of the Conservation Officer, the applicant considered how the proposed scheme would be viewed from the Church tower. Having assessed this additional information, the Conservation Officer considered that any harm to the setting of St Andrew's Church would be minor and would fall within the less than substantial threshold set by the National Planning Policy Framework.

Speaking next of residential amenity, the Senior Planning Officer said that concerns had been raised by residents regarding potential noise and disturbance.

There had been detailed representations from the owners of 10 Oates Lane as they had planning permission for the construction of a replacement dwelling together with associated infrastructure and parking. The proposed dwelling had been designed to meet the very specific needs of their disabled

son and was considered by them to be a 'lifetime home' since their son would require constant care for his entire life. They were concerned about the introduction of two storey dwellings in close proximity to their boundary and the impact this would have upon their privacy and the future needs of their son. Questions had also been raised regarding the precise position of the boundary.

On the basis that this was an indicative plan only, it was considered that the future layout of the development could take into account the special requirements of the owners of 10 Oates Lane and that refusal on the grounds of residential amenity could not be justified.

It was noted that access to the site was proposed off Garden Close and the existing roadway would be extended into the application site. The Transport Assessment Team had reviewed the Transport Assessment Statement submitted with the application and concluded that the capacity assessment carried out by the applicant demonstrated that the application was not expected to have any significant impact on the local highway network. The Local Highway Authority therefore did not object to the application as submitted.

The applicant proposed to employ a combination of an attenuation basin, permeable paving and swales to produce a sustainable drainage system for the site. The Lead Local Flood Authority had examined the Flood Risk Assessment and Drainage Strategy and considered that the proposed drainage strategy was robust and that the off-site flood risk had been considered.

While the proposal would result in the loss of some amenity grassland, improved grassland and species-poor intact hedgerow, the applicant had put forward a comprehensive scheme of mitigation, including the creation of a nature reserve to enhance and protect the local Great Crested Newt population. The scheme attracted weight in favour of the proposal, but only on the basis that its long term future was secured. The applicant had failed to provide sufficient detail of future costs associated with the management and maintenance of the biodiversity features and secure a public body to take on this role. In addition the applicant had failed to demonstrate that the construction of the development would not cause irreparable damage to the Great crested Newt habitats on and off the site. On this basis the weight afforded to the biodiversity improvements was reduced.

The Council had indicated that it would be willing to take on the maintenance of the nature reserve site subject to the payment of a commuted sum but at this point it could not be guaranteed.

The applicant had been asked to provide an assessment of the likely need and effects of dewatering on the ponds in the south east corner of the site that would become the nature reserve. However, as they had failed to provide the information, the Local Planning Authority was unable to assess

this issue and it had been included as a reason for refusal in the Officer's recommendation.

The County Council had indicated that a financial contribution towards education provision was required but the applicant had not put forward any counter argument to the County Council's comments and had not indicated that it would make the financial contribution (£912,176) requested. While this matter could be negotiated, it was considered that the application failed to meet the requirements of Policies GROWTH3 and LP16 in relation to infrastructure to support growth.

At this point, the Chairman asked the Planning Solicitor to remind the Committee of the public sector equality duty under Section 149 of the Equality Act 2010, as Members had received a letter from the owners of 10 Oates Lane regarding the impact of the proposed development on their disabled son.

The Planning Solicitor reiterated that the duty was placed on all public bodies (including councils making planning decisions) to have 'due regard' to persons who 'share relevant protected characteristics' when exercising their functions; those characteristics included disability. Mr Wood's son is disabled so the duty is engaged and should be considered. He added that Mr Wood would be addressing the Committee in respect of the development in the context of his son's disability and this aspect might be addressed at a later stage. He cautioned Members that a number of other issues that had been raised were not planning matters and should therefore not be debated or raised.

At the invitation of the Chairman, Mr Peter Wood, Mr Howard Palmer (Garden Close Residents Group) and Ms Liz Rhodes, each addressed the Committee and made the following comments:

Mr Wood (reading from a prepared statement):

'We have lived in Sutton for 20 years. Our son is severely disabled and needs 24/7 care.

We have had to give up work to care for him, and now we're investing in building a lifetime home so we can look after him properly for the rest of his life. This is at 10 Oates Lane, which borders the North-West corner of this site. We want him to live the rest of his life here, in this supportive community that he's grown up in. It's very difficult for him to access the wider community – he needs us or carers with him all the time – so it's important that he can enjoy the whole of his home and his garden, and it also gives us space manage his therapy and his behaviour.

We've written a letter to Julie Barrow explaining his needs. We don't want all that in the public domain, but for people who are not used to special needs, at times his behaviour can be disturbing and difficult to watch

Endurance Estates' outline shows a potential 2 storey house just 4 metres away from what will be our son's main area of flat accessible garden. That's going to make it feel more like a prison for him than a rural garden to enjoy for the rest of his life. There are also going to be noise issues; he will find noises from neighbours so close by to be very disturbing, and it's very likely that the neighbours will be disturbed by strange noises from our side of the boundary. Overall, his special needs mean that he needs open space and privacy much more than a typical person, and this proposed plan represents a very significant loss of amenity for him.

Every other boundary around this application gets a gap of 10 to 20 metres between the existing boundary and the nearest proposed house. Even the hedge down the East side gets 10m! Our son gets just 4 metres. That's far too close; too close for his special needs, and according to your Tree Officer, it's too close for hedges and trees to survive long-term. So then, when they're gone, our son will be completely exposed.

There's been no consultation with Endurance Estates. In our dealings with them, they've been aggressive and dismissive. The message we've had is that they don't want to consider anything other than maximising the number of houses they can get on the site.

So we feel that we have no choice but to come here and request that our son gets the privacy and safeguarding that he needs. We need at least the same boundary treatment that everyone else gets – 10 to 20 metres from the nearest house – and we ask that you restrict any building(s) nearest to us at this northern end of the site to a single-storey, in order to protect his privacy from onlookers. That'll affect one house, or at most 2, and isn't out of line with the local area anyway.'

Mr Palmer:

- He was speaking on behalf of all the residents of Garden Close. 65 comments had been received;
- The scheme would be outside the development envelope;
- There were springs on the site and the ground being Kimmeridge Clay, was wet;
- Robust drainage could not be provided and no work had been done on a drainage system;
- How will the development affect the Great Crested Newts?
- The junction splays should be bigger at the entrance to Garden Close;
- These issues should have been resolved before the application came to Committee;

- Being located on a steep hill, this would be a car dominated development;
- The County Council would be the final arbiter of the 20 mph speed limit.

Ms Rhodes:

- This was ancient meadow land. The ponds were ideal for the newts, but they had to be able to move between them and the development would stop this.

At this point the Chairman advised Messrs Wood, Palmer and Ms Rhodes that their 5 minutes of public speaking time had been exhausted.

Councillor Hunt asked if the Sutton H2 allocation of 25 houses was acceptable. Mr Palmer replied that all had agreed 53 homes was not appropriate, and Ms Rhodes added that 25 homes would be more in keeping.

At the invitation of the Chairman, Mr Steven Kosky, agent, accompanied by Mr Duncan Jenkins, applicant, addressed the Committee and made the following remarks:

- This was only an outline application with access to be determined;
- The site had good access;
- Pre-application had been positive and he had worked with Officers to achieve a good scheme;
- The proposal was a logical extension to the built form and largely the same as the emerging allocation. It would round off the edge of the village and would not create a harmful incursion into the countryside;
- The development would maintain residential amenity and use the emerging allocation more efficiently;
- He did not accept that the Authority could demonstrate a 5 year supply of housing land, as the Proposed Submission had not yet been tested in examination;
- Paragraph 14 of the National Planning Policy Framework was engaged;
- The scheme would provide 16 affordable dwellings. There were no abnormal site conditions and the development could be delivered within 5 years;
- This was a sustainable location and the public benefits were set out in the Officer's report;

- The Conservation Officer was satisfied that the development would result in less than substantial harm;
- The Transport Statement accorded with policy and the Local Highways Authority believed the scheme to be acceptable;
- With regard to mitigation, matters were already in train and the applicant would enter into a S106 Agreement to secure a maintenance contribution;
- The fourth reason for refusal could be set aside as an education contribution would be secured through a S106 Agreement;
- Natural England had no objections;
- The principle of development was accepted.

Councillor Hunt said it was not clear how the nature reserve was to be managed and it appeared that the Sutton Conservation Society did not wish to be involved. He asked why the applicant had not submitted the information requested in relation to this matter. Mr Kosky replied that the Management Plan was detailed and needed to be assessed and costed in consultation with the applicant. They had thought the application would be recommended for approval, so when advised it would be refused, they felt as though 'the rug had been pulled from under them'.

Councillor Chaplin referred to a point raised by Mr Wood about the boundary being less than 10 metres from his property and trees being jeopardised. He asked if the applicant would be amenable to amending the boundary if the application was to be granted permission. Mr Kosky replied that he was looking at the principle of development and the efficient use of the land. There was lots of flexibility to look at individual boundary treatments, but at this point he was concerned with the principle rather than details.

In response to a question from Councillor Chaplin about density, the Senior Planning Officer stated that the density for the draft allocation was 13.8 dwellings per hectare (DPH), but for this application it was 17.8 dph. The Chairman agreed that this was still lower than usual, but the Authority considered it had a 5 year supply and Members should approach the application on that basis.

Councillor Hunt commended Officers, saying that the Local Plan had been approved by Full Council and this allocation was for 25 dwellings, not 53. The Grade I listed Church was very special, and trees and hedgerows could not be retained. He proposed that the Officer's recommendation for refusal be supported with an additional reason for refusal being the effect on the views of a Grade I listed building.

The motion was seconded by Councillor Smith.

The Chairman cautioned that the additional reason would be difficult to defend if the case went to appeal.

The motion was duly put to the vote and was declared lost, there being 3 votes for and 5 votes against.

Councillor Rouse thought it sad that the whole of this site was not allocated in the emerging Local Plan as it could provide a good development and there could be the potential for 16 affordable homes.

The Chairman said he was having difficulty with reasons 3 and 4 for refusal, as the issues around education and the maintenance of the nature reserve could be overcome and secured by a S106 Agreement. He therefore proposed that the application be refused for reason 1 only, and the motion was seconded by Councillor Chaplin.

When put to the vote,

It was resolved unanimously:

That planning application 17/01445/OUM be REFUSED for Reason No.1 only, as set out in the Officer's report.

136. 17/01503/FUL – THE FORGE, MAIN STREET, WESTLEY WATERLESS

Andrew Phillips, Senior Planning Officer, presented a report on behalf of the Case Officer (S206, previously circulated) which sought planning permission for the erection of a dwelling comprising three floors with a cellar. Access to the site would be via an existing access, and The Forge would be renovated to become ancillary accommodation to the main dwelling

On a point of housekeeping, the Senior Planning Officer said that an email (with attachments) had been received from the applicant regarding the Officer's recommendation, and this had been forwarded to Members in advance of the meeting.

The site was located within the development envelope for Westley Waterless at the end of a linear form of development where the area was predominantly rural. It sat on Main Street where the dwellings were set back from the road behind established hedges. Dwellings were characteristically single storey, although the property immediately adjacent was a storey and a half in height.

It was noted that the application had been called in to Planning Committee by Councillor Alan Sharp. The applicant had been in regular contact with Councillor Sharp and it was felt that the application should be discussed in an open forum.

A number of illustrations were displayed at the meeting. They included a map, an aerial view, a location plan of the proposal, elevations, floor plans and the proposal in relation to the street scene.

The Committee noted that the key issues for consideration in the determination of this application were:

- Principle of development;

- Impact on highway safety;
- Impact on the adjoining neighbours;
- Impact on the street scene;
- Impact on the heritage of 'The Forge';
- Pre application discussion; and
- Previous approval 16/00352/FUL.

With regard to the principle, Members noted that a small part of the application site was in the open countryside to the west of the development boundary. Whilst the Council could now demonstrate a 5 year supply of housing land, it was considered that the principle of development had already been established with the extant planning permission granted in 2016 for the erection of a dwelling.

In connection with highway safety, the Senior Planning Officer stated that the site used an existing access and adequate visibility could be provided. The Highways Officer had been consulted and no objection was raised subject to conditions.

It was noted that the proposed dwelling would be sited 17 metres away from the nearest neighbour at Ainslea Cottage. It was considered that the distance between the dwellings would ensure the amenities of the neighbours were not compromised.

Speaking next of the impact on the street scene, the Senior Planning Officer said that the dwellings in Main Street were predominantly low ridge height and detached, and set in large plots. Those dwellings immediately adjacent to the site were also set behind high hedges. The proposed development would be 8.6 metres in height increasing to 9 metres where the land sloped away. Adding to this the width of the proposal, it was considered that the mass and scale would be disproportionate to the immediate surroundings.

Members were reminded that The Forge was a Local Building of Interest and rare example of an industry once common in this area. It retained many of its original features including the furnace stack. It was considered that to have such a dominant building behind The Forge would detract from the historic setting of the building and cause demonstrable harm to its local importance.

Some changes had been made to the proposal following pre-application advice, but none were made in respect of the roof height or the level of the eaves. The previous approval (reference 16/00352/FUL) was of a smaller scale which had respect for its rural character on the edge of the settlement boundary. It was set approximately 11 metres away from The Forge and 16 metres from the entrance and in a similar linear position to the adjacent Ainslea Cottage.

The proposed dwelling would be significantly larger than that previously approved. It would be only 7 metres from The Forge, due to the

front projection, and 17 metres from the road, although the front projection would be closer to the road. It was considered that the overall height, mass and scale was not in keeping with the character of the area and would be contrary to Policy ENV2 of the adopted Local Plan and LP22 of the Proposed Submission Local Plan.

At the invitation of the Chairman, Mr Edward Fletcher, applicant, addressed the Committee and made the following points:

- One could not compare the proposal with the previous approval on a like for like basis;
- The scheme would be no wider and no taller than the existing permission;
- The footprint would increase because of the use of the internal floor space;
- It was hard to see how the application failed because the front elevation was the same width as that already approved;
- With regard to the character of the area, there were 60 dwellings in Westley Waterless, of which 6 were single storey;
- The development would not be perceptively larger in scale and mass;
- The Forge was not listed and therefore had no protection in law, and there was no Conservation Area in Westley Waterless, so the proposal had to be assessed independently;
- The impact on The Forge would not be significantly different to that under the extant permission;
- The Officer's reasons for refusal were not sustainable.

Councillor Rouse thought that at present The Forge looked like a poorly maintained shed; however, it would be restored and maintained as part of the proposed development. Mr Fletcher said this would be the first bit of work and the building would become a studio/office.

Councillor Hunt thanked Mr Fletcher for the comprehensive document that had been circulated to the Committee Members. He said that ownership of The Forge was a responsibility and sought assurance that the building would be maintained. Mr Fletcher assured him that this would be the case.

At the invitation of the Chairman, Councillor Alan Sharp, a Ward Member for Bottisham, addressed the Committee and made the following remarks:

- Having had many long conversations with the applicant and Officers, he felt that the application should be called in to Committee;

- The site was mainly within the development envelope, and the proposed dwelling was wholly so;
- Westley Waterless was a linear village, but in the Parish of Burrough Green;
- He had called in the application because of the issues relating to the height and mass of the proposal;
- There had been no objections from anyone in the neighbourhood.

The Chairman thanked Councillor Sharp for his comments and said he believed this was exactly the sort of application that should come to Committee.

Councillor Ambrose Smith asked about the initial planning application and was advised that the landowner had sold the land with the extant permission.

Councillor Chaplin said that as the other Ward Member, he believed it was a matter of balance. He felt the Committee should take into account the great harm that would be done to The Forge if there was not development on the site.

The Conservation Officer reminded Members that there was no legal requirement for the applicant to maintain The Forge. However, there was a condition on the original permission requiring its maintenance.

Councillor Rouse said this sort of application was his 'bête noire' because he wondered what was happening to the aspiration to build good sized houses on good sized plots. He felt that not all dwellings had to be of a medium size and this particular proposal would lead to the restoration of The Forge.

He duly proposed that the Officer's recommendation for refusal be rejected and that the application be approved, with the Planning Manager being given delegated authority to impose suitable conditions, including one relating to the refurbishment of The Forge.

Councillor Goldsack seconded the motion, saying he disagreed that the proposal would cause demonstrable harm.

Councillor Hunt concurred, adding that he too did not think the development would be disproportionate, and the restoration of the Forge would be in accord with the Conservation Officer's wishes.

When put to the vote,

It was resolved unanimously:

That planning application reference 17/01503/FUL be APPROVED for the following reasons:

- The principle of a dwelling in this location is acceptable;
- Members do not believe there would be an adverse impact on highway safety;
- There would be no significant adverse impact on the neighbours' amenities;
- The dwelling would not be disproportionate to its immediate surroundings and it would not cause demonstrable harm to the setting and character of the area;
- The proposed dwelling would not cause demonstrable harm to the setting of the Local Building of Interest.

It was further resolved:

That the Planning Manager be given delegated authority to impose suitable conditions, including a condition regarding refurbishment of The Forge.

137. 17/01572/OUN – LAND NORTH EAST OF SOHAM ROAD, FORDHAM

Julie Barrow, Senior Planning Officer, presented a report (S207, previously circulated) which sought outline planning permission for up to 52 dwellings together with associated development including open space. Access was to be determined at this stage with appearance, landscaping, layout and scale to be reserved matters.

On a point of housekeeping, Members were asked to note the letter from the agent, which had been received after publication of the agenda; this had been circulated to Members in advance of the meeting.

The Senior Planning Officer informed Members that the applicant had agreed to a financial contribution towards the A142/Fordham Road roundabout and therefore Reason No. 2 for refusal was removed from her recommendation.

The site was situated outside the established development envelope of Fordham and adjoined the settlement boundary on part of its north-western boundary. The land to the south east was open agricultural land. The built form of the village encompassed Rule Gardens and development to the east of Murfitts Lane, and wrapped around to the north of the site on Carter Street.

It was noted that the application was to be determined by the Planning Committee in accordance with the Council's Constitution, as the proposal was for over 50 dwellings.

A number of illustrations were displayed at the meeting. They included a map, an aerial image, the indicative layout of the proposal, and a development block plan.

Members were reminded that the key issues for consideration in the determination of this application were:

- Principle of Development;
- Visual amenity;
- Residential amenity;
- Historic environment;
- Highway safety;
- Drainage & flood risk; and
- Biodiversity & ecology.

The Senior Planning Officer said the Council could now demonstrate that it had a five year supply of land for housing. The application site had been put forward as part of the Council's 'call for sites' process in the preparation of the emerging Local Plan. It was duly assessed by the Strategic Planning Team and discounted, primarily because there were suitable sites available in closer proximity to the village centre. The site assessment report also considered that development of the site would have a detrimental impact on the landscape as it sat on agricultural land that created a setting for the village.

The principle of open market residential development on this site was contrary to the adopted and emerging development plans and did not meet any of the exceptions as set out in Policies GROWTH2 and LP3. The scheme therefore gave rise to inappropriate development with no justification to override the normal presumption against development in the countryside.

In connection with visual amenity, the Senior Planning Officer showed Members a series of photographs which illustrated that the application site was currently undeveloped and comprised a small scale arable field and paddocks. It was considered that the visual effects of the development would be slightly greater than suggested in the appraisal but would not cause significant and demonstrable harm to the area such that would warrant refusal of the application.

With regard to residential amenity, the occupiers of No.5a Fordham Road had expressed concerns regarding the proximity of the development to their dwelling and the potential impact on their outlook and privacy. The applicant was invited to provide further detail as to how this might be addressed and the plans submitted indicated that a 1.5 metre close boarded fence could be constructed with 0.3 metres of trellis above to allow light through. It was considered that this would adequately protect their amenity.

It was noted that there were no designated heritage assets within the application site, but Cromwell House, a Grade I listed building was located immediately north east of the site's boundary. It was considered that any impact on the heritage value of the House would be negligible and cause less than substantial harm. In accordance with the requirements of the NPPF it was considered that this less than substantial harm would be outweighed by the public benefits of the scheme, including the provision of affordable housing and public open space.

The site was also located just over 1 kilometre from the Grade 1 listed Church of St Peter. However it did not contribute to the setting of the Church, which would be unaffected by the development.

The Historic Environment Team did not object to the development proceeding, but considered that the site should be subject to a programme of archaeological investigation; this could be secured by condition.

In terms of highway safety, the site would be accessed off Soham Road and appropriate visibility splays would be provided at the Soham Road junction. The LHA had examined these proposals and was satisfied that safe and convenient access to the highway network could be achieved. A scheme of mitigation would be required for the A142/Fordham Road roundabout and the Transport Assessment Team was working on measures to achieve this.

The Senior Planning Officer reminded Members that the application site was located in Flood Zone 1. It was expected that surface water run-off from the site would be collected, attenuated and disposed of via infiltration, with no off-site discharge to sewers or watercourses. The Lead Local Flood Water Authority was satisfied that this was an effective way of dealing with surface water and the submission of a detailed scheme could be secured by planning condition. Furthermore, the applicant had worked with Anglian Water to agree an acceptable strategy for the disposal of foul water.

A Preliminary Ecology Appraisal submitted with the application had concluded that the arable field together with areas of grassland paddocks were of a low botanical and habitat value. It was not anticipated that there would be any significant adverse effects on statutory and non-statutory sites and the small sheds/stables present did not have any obvious value for species.

No further surveys were recommended and it was considered that this accurately reflected the low biodiversity value of the site. The existing boundary hedgerow and shrubs/trees would be retained and the scheme would present an opportunity to incorporate bird and bat boxes. It was considered that the scale of the development would not put significant additional recreational pressure on locally designated sites.

At the invitation of the Chairman, Mr Steven Kosky, agent, accompanied by Mr Duncan Jenkins, applicant, addressed the Committee and made the following remarks:

- This was an outline only application;

- The site would have a good single access and partly adjoin Rule Gardens;
- There would be no incursion into the countryside and the development could be incorporated so that it naturally extended the built edge of the settlement;
- It was in accordance with ENV1, ENV2 and COM7;
- He did not believe the Council had demonstrated a 5 year supply of housing land, as the emerging Local Plan had yet to be tested;
- Paragraph 14 of the National Planning Policy Framework was engaged and its requirements could be met;
- There were no impediments to the scheme;
- The sum of £37,680 had been requested as a contribution towards the scheme of mitigation for the roundabout and this had been agreed in principle;
- There was no evidential basis for the second reason for refusal;
- A reasonable contribution would be made towards education, therefore Reason 3 could be set aside;
- The bus stops were in acceptable walking distance and there had been no accidents on the road;
- Neither Anglian Water nor Environmental Health had objected to the scheme;
- The proposal had very good sustainability credentials and the applicant had sought to work with Officers to provide much needed housing;
- The sustainable contribution to the District's housing supply was a material consideration which could be taken into consideration.

At the invitation of the Chairman, Councillor Julia Huffer, a Ward Member for Fordham Villages addressed the Committee and made the following comments:

- She was very much against this application;
- She also served on the Parish Council and had withdrawn from the meeting at which the application was discussed as she had pre-determined it;
- She urged Members to listen to the community. This site was not in the Local Plan and the Parish Council did not support it;
- Fordham was putting together a Neighbourhood Plan;

- Speedwatch had highlighted that Soham Road was a speeding hotspot. Cars had been caught travelling at 67 mph in a 40mph zone. She had attended one session where 400 cars were found to have exceeded the speed limit.

The Chairman reiterated that consistency was important when determining applications.

Councillor Goldsack thought the Committee had received two reasonably well presented applications from Endurance, but Full Council had signed up to the Proposed Submission Local Plan on 5th October 2017 and therefore Members should support the Plan.

The Chairman said he had every sympathy with Councillor Huffer regarding road safety, but the LHA had raised no concerns.

Councillor Rouse believed this to be another really good site. However, he felt that Fordham needed a comprehensive plan for development rather than piecemeal schemes.

He duly proposed that the Officer's recommendation for refusal be supported for Reason No.1 only, and the motion was seconded by Councillor Goldsack. When put to the vote,

It was resolved unanimously:

That planning application reference 17/01572/OUM be REFUSED for Reason No. 1 only, as set out in the Officer's report.

138. 17/01772/FUL – 10 FOREHILL, ELY, CB7 4AF

Andrew Phillips, Senior Planning Officer, presented a report (S208, previously circulated) which sought consent for the creation of three one bedroom studio apartments above a retail unit, which also involved the alteration/creation of new fenestration and the removal of a fire escape.

On a point of housekeeping, Members were reminded that a statement on behalf of the applicant had been emailed to them in advance of the meeting.

The site was located on Forehill in Ely and was currently an empty retail unit undergoing refurbishment work as part of a recent approval to change the use to a tattoo shop. The site was within the Ely Conservation Area and the front of the building had a traditional appearance (circa early 1900s).

It was noted that the application had been called in to Planning Committee as the applicant is an elected Member of the Council and the Council's Constitution required that the application be determined by the Committee.

A number of illustrations were displayed at the meeting. They included a map, an aerial view, a drawing of the front elevation of the proposal and another showing the internal floor layout.

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

- Principle of Development;
- Highway safety and parking;
- Residential Amenity; and
- Visual amenity and historic environment.

The Senior Planning Officer stated that the previously approved application 17/00827/FUL was still implementable and for this reason it had significant weight in the determination of this proposal for three studio flats.

There would be no loss of retail space within the city centre.

The proposal did not have dedicated parking provision, which was the loss of one dedicated parking space since application 17/00827/FUL was approved. However, this needed to be balanced against the extant permission which provided one parking space for a three bedroom flat. Whilst this weighed slightly against the proposal, it was considered that the harm was limited as small properties within the centre of Ely would be the least likely to own a car.

In terms of residential amenity, a new window serving the kitchen could be obscurely glazed to minimise loss of privacy. It would also be reasonable to add a condition to control construction hours and to ensure that internal walls were built to a level to prevent disturbance from adjacent properties.

With regard to visual amenity and the historic environment, it would be important to ensure that the final fenestration was of a high quality in the Conservation Area and this could be secured by condition.

At the invitation of the Chairman, Mr Philip Boys, agent, read from the following prepared statement:

'I am speaking on behalf of Cllr Griffin-Singh in her stead and as her agent for this application as there is additional information regarding this development which seems to have been lost during the application process, and which she feels is of value to the proposal. These details are considered to be beneficial to addressing the issue of parking provision but also to the enhancement of the overall project.

The application is for 3 x 1 bedroom self-contained studio apartments which, whilst the Officers are aware, the current paperwork supplied to you does not make it clear that the intention for these apartments, at least in the short and medium term, is for visitor accommodation; not full residential purposes.

Whilst the property obviously is in very close proximity to a large central car park, it is felt that the intended use of visitor accommodation is also likely to ease the concern over parking provision given that tourists are more likely to travel via different modes of transport and/or be more transient.

The Committee can also be advised that the development proposal does include ONE parking space within the private car parking area to the rear of No 12 Fore Hill, further provision on this site will be pursued should the opportunity arise.

In addition, Cllr Griffin-Singh is keen for the Committee to understand that the proposal to create additional visitor accommodation in Ely City Centre is driven by the knowledge that Ely currently has an under-provision of tourist and visitor accommodation, and that the central location of this property is thought to be ideal and beneficial for both the project and the future of the City Centre.

Additionally, given that it is common knowledge that there is likely to be an out of town retail park created at Angel Drove in the near future and that it has been stated to be very important to support the future of the "High Street", this development is felt to be very appropriate. The Portas Review of 2011, part of which focused on Ely City Centre, made reference to the viability of High Streets being reliant on an overall vision; which included the upper floors of properties. The Report stated that it was a key factor to "...Influence how the upper storeys of retail units are used, to encourage more active uses that will contribute to increasing footfall along the street".

However, given the above, in the event that the concept of visitor accommodation does not prove successful in the future, as the Officer's Report states, the project will nevertheless provide additional small residential units of an affordable nature.

In conclusion, it is hoped that the Committee can accept the Officer Recommendation and grant Approval to this application ensuring the sound future of this historic building and further contribute to Ely City Centre.'

Councillor Goldsack asked if it would be a different application if the property was to be used for holiday homes. The Planning Manager replied that she had researched this; if the property was a hotel or serviced apartments, it could be C1 Use, but if it was let out for a few days it was C3 Use. This proposal was for three separate residential units.

Councillor Cox said he was concerned regarding the City Council's response and he enquired about the location of the parking space. The applicant's agent advised that the space was to the rear of the old Woolworths building.

Councillor Ambrose Smith expressed concern about the fire exits, but was reminded that this was a matter for Building Control.

In proposing that the Officer's recommendation for approval be supported, the Chairman remarked that this was a typical example of an application that was policy compliant except for parking.

Councillor Smith said he did not support approval as people were parking on Forehill. The Planning Manager responded by saying that this was an existing problem and only disabled drivers were permitted to park there, besides which, parking in prohibited places was not a planning matter.

Councillor Rouse seconded the motion for approval, saying that here was an important 1936 building which should be brought back into full use. He believed there were many properties in Ely where the owners would not let out the living accommodation above the retail space because it was too much trouble.

When put to the vote, the motion was declared carried, there being 7 votes for and 1 against. Whereupon,

It was resolved:

That planning application reference 17/01772/FUL be APPROVED subject to the recommended conditions, as set out in the Officer's report.

139. PLANNING PERFORMANCE REPORT – NOVEMBER 2017

The Planning Manager presented a report (S209, previously circulated) which summarised the planning performance figures for November 2017.

The Department had received a total of 197 applications during November which represented an 11% decrease on November 2016 (221) and a 5.5% decrease from October 2017.

It was noted that 100% of both major and minor applications had been determined on time, and 98% of householder applications.

A new Planning Officer, Chris Hancox, had joined the department and another would hopefully be taking up post later in the month.

There had been 10 valid appeals received and 5 appeals decided. The amount of appeals being received was generating a lot of work but no fees.

Drawing attention to the number of applications received each year, Councillor Hunt said he was concerned that applications were being rejected when the Authority had already accepted the principle of development and consent had been given in principle.

The Chairman responded by saying that Officers were very diligent and checked with him beforehand to ascertain whether he wanted a case brought to Committee.

The Planning Manager added that she would discuss this matter with Councillor Hunt to ensure that reasons were defensible and applications were being refused for all the relevant reasons.

She said that Officers checked each application very carefully and it was not for Members to look for extra reasons. If there was an extant permission, this was a material consideration and Members should be looking at each application on its own merits. The Chairman interjected to suggest that Members looked at the RTPI 'reasons for refusal' list.

Councillor Goldsack raised the issue of background noise from Members' phones ringing during the meeting, believing this to show a lack of respect.

The Chairman concluded by noting the impressive performance figures and thanking Officers for their hard work.

It was resolved:

That the Planning Performance report for November 2017 be noted.

The meeting closed at 5.45pm.