

Minutes of a meeting of the Planning Committee  
held in the Council Chamber, The Grange,  
Nutholt Lane, Ely on Wednesday, 3<sup>rd</sup> August 2011  
at 2.00pm

### **PRESENT**

Councillor Philip Read (Chairman)  
Councillor David Ambrose Smith  
Councillor Lavinia Edwards  
Councillor Elaine Griffin-Singh  
Councillor Bill Hunt  
Councillor Tom Kerby  
Councillor Mike Rouse  
Councillor Robert Stevens  
Councillor Gareth Wilson (substitute for  
Councillor Jeremy Friend-Smith)

### **OFFICERS**

Maggie Camp – Senior Legal Assistant  
Alan Dover – Principal Development Control Officer  
Sue Finlayson – Team Leader, Development Control  
Sarah Hornbrook – Senior Planning Officer  
Janis Murfet – Democratic Services Officer  
Andy Smith – Senior Enforcement Officer

### **ALSO IN ATTENDANCE**

Councillor Sue Willows  
Councillor Pauline Wilson  
9 members of the public

#### 18. **APOLOGIES AND SUBSTITUTIONS**

Apologies were received from Councillors Sue Austen, Derrick Beckett, Will Burton and Jeremy Friend-Smith.

It was noted that Councillor Gareth Wilson would substitute for Councillor Friend-Smith for this meeting.

#### 19. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### 20. **MINUTES**

It was resolved:

That the minutes of the meeting held on 6<sup>th</sup> July 2011 be confirmed as a correct record and signed by the Chairman.

21. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman did not make any announcements.

22. **11/00403/RMA – DULLINGHAM MOTORS, THE GARAGE, BRINKLEY ROAD, DULLINGHAM**

The Team Leader, Development Control, Sue Finlayson, presented a report (L70, previously circulated) which gave details of the application, the applicant's case, the site and its environment, the planning history and relevant planning factors and policies. A Members' site visit had taken place prior to the meeting.

Mrs Finlayson advised the Committee that further comments had been received from Dullingham Parish Council asking that in the event of the application being approved, two additional conditions be added: sustainable arrangements for annual maintenance of the site, and window frames/doors to be made of timber, not UPVC. The Conservation Officer had advised the Parish Council that UPVC windows were unlikely to be supported and details of the windows would need to be approved.

Mrs Finlayson summarised the main points of the report and reminded Members that the main issues for consideration were conformity with the original outline approval, impact of the appearance and landscape on the Conservation Area, character of the area in general, and impact on residential amenity.

It was considered that the proposals, although now comprising individual dwellings as opposed to a terrace of three and a pair of linked dwellings, replicated the original footprint of the layout and the scale of the original proposals. Consequently the application was recommended for approval. It was noted that Councillor Chris Morris, Ward Member for Dullingham Villages, endorsed the views of the Parish Council.

At the invitation of the Chairman, Councillor Tim Owen, Dullingham Parish Council, spoke in opposition to the application and made the following comments:

- The Parish Council objected to this application and did not see how it could be treated as Reserved Matters. The original application had been approved under Section 8 of the District Local Plan. It was the view of the Parish Council that to approve this application as a Reserved Matter was not legal and the Local Planning Authority would leave itself

open to legal challenge in the event that it granted permission.

- In 2009 the Conservation Officer had raised no objections to terraced housing, and terracing was not uncommon in the village: there were two terraces within walking distance.
- Any house that was narrower than it was taller would be an entirely alien construction for the Conservation Area.
- The proposal was inappropriate for the Conservation Area and would not fit the street scene.
- Determining appearance was not covered by Reserved Matters.
- There was a strong danger that, if permission was granted, there would be a legal challenge from residents.

Councillor Owen concluded by asking the Committee to look again at the 2009 application and then reconsider this application.

The Chairman stated that the Planning Committee was not here to be threatened or browbeaten with legal action and he instructed Members to disregard Councillor Owen's remark.

The Principal Development Control Officer, Alan Dover, reiterated that this was a Reserved Matters Application for appearance. If Members felt that terraced housing was more appropriate, it was in their power to determine an appropriate development and form. It was clearly a Reserved Matters Application and, as such, allowed Members to assess all aspects.

During the discussion which followed, Councillor Wilson said that he had served on the Planning Committee which had granted outline permission, and he recalled the main discussion being about the loss of business use and shops on the site, not terraced housing. He expressed concern that although there would be picket fencing in front of the houses, there was none on the other side of the road. He thought that fencing should be erected to stop vehicles being parked on the grass.

Councillor Hunt believed that velux windows were inappropriate for the houses facing the green, as depicted on the plans submitted for outline approval, and that dormer windows would look good. He also felt that there should be proper provision for the maintenance of the green area to the north of the site. He continued, saying he agreed with Councillor Wilson's point about additional picket fencing, and furthermore the windows and other fittings at the front of the dwellings should be constructed from timber. Councillor Hunt also asked if a

further condition could be added to condition 5 that details of boundary treatment should include the additional picket fencing and he concluded by asking that the wing of land at the rear of the site be protected and retained as a garden area.

In response to a question from the Chairman, Mrs Finlayson confirmed that there were already proposed boundary treatments and if Members were so minded, further conditions could be added.

Councillor Stevens observed that there were a variety of colours and styles of building within the Conservation Area, and he thought that over a period of time the proposed dwellings could come to look attractive. He concurred with other Members that as the gaps between the three individual houses were small, they would be viewed as a “block” when seen from a distance.

Councillor Hunt proposed and Councillor Ambrose Smith seconded that the officer’s recommendation be accepted, subject to additional conditions regarding boundary treatment, land at the rear of the site being retained as garden, and timber windows and doors. Whereupon,

It was resolved:

That planning application reference 11/00403/RMA be approved, subject to the conditions as detailed in the officer’s report, and the additional conditions agreed by the Committee:

- (i) Windows and doors at the front of the properties to be made of timber, not UPVC;
- (ii) Additional picket fencing to prevent vehicles parking on the grass;
- (iii) The wing of land at the rear of the site to be retained as garden.

23. **11/00543/FUL & 11/00429/LBC – 11A HIGH STREET, ELY**

The Senior Planning Officer, Sarah Hornbrook, presented a report (L71, previously circulated) on behalf of the Case Officer, which gave details of the application, the applicant’s case, the site and its environment, the planning history and relevant planning factors and policies. A Members’ site visit had taken place prior to the meeting.

Mrs Hornbrook summarised the main points of the report and reminded Members that the site was within the Ely Conservation Area, and also Ely’s Primary Shopping Frontage, as defined in the Core Strategy. In this case the proposal was assessed against the following criteria of policy S2:

- The percentage of A1 retail floorspace does not fall below 60% of the net floorspace; and
- The proposal does not involve the loss of a shop unit measuring 200sqm or larger.

Members were advised that the issues for consideration were the suitability of the use within the Primary Shopping Frontage given the restrictions of Core Strategy Policy S2, and the potential effects on the Conservation Area and the Grade 2 listed building. The Conservation Officer had visited the site whilst work was underway and confirmed that there was no loss of the historic fabric.

Whilst there had been concern that the change of use of this unit would result in the loss of A1 within the Primary Shopping Frontage, the existing provision and the size of the unit were such that it was not contrary to policy and was therefore recommended for approval.

Querying the hours of business in respect of customers on the premises, the Chairman wondered whether the closing time should read 20:00 hours rather than 18:00 hours. Mrs Hornbrook replied that the hours had been set by the Environmental Health Section, but she too thought that it should be 20:00 hours. The Chairman asked for this to be amended and this was supported by the Committee.

Councillor Rouse felt that the opening hours should reflect the changing nature of the town centre because there was a definite shift to more social activities in the evenings. It was important to support measures that would help to stimulate the evening economy.

Councillor Hunt said he thought the retrospective application showed a breathtaking arrogance by a national chain, especially as no-one from the company was present to speak at the meeting. He looked forward to a time when retrospective applications would incur financial penalties. He asked officers to contact Nero Holdings Ltd and let them know that whilst the investment was welcomed, the Authority did not appreciate being treated with such disregard. Whereupon,

It was resolved:

That the applications for planning permission (ref: 11/00543/FUL) and listed building consent (ref: 11/00429/LBC) be approved, subject to the conditions as detailed in the officer's report, but subject to the following amendment:

"No customers shall be on the premises outside the hours of 7:00 – **20:00** Monday to Saturday and 09:00 – **20:00** on Sundays and Public Holdings".

24. **11/00484/FUL – LAND ADJACENT 65 WATERSIDE, ELY**

The Team Leader Development Control, Sue Finlayson, presented a report (L72, previously circulated) which gave details of the application, the applicant's case, the site and its environment, the planning history and relevant planning factors and policies. A Members' site visit had taken place prior to the meeting.

Mrs Finlayson informed the Committee that she had received some further comments.

- The Parish Council had no concerns regarding the amendment;
- The Ely Society thought it was a very good proposal;
- Two residents had raised objections in respect of visual impact (height), the building would be out of keeping with the area, and visual amenity.

Mrs Finlayson summarised the main points of her report, reiterating that the site of the application was in a prime position in the historic core of the Conservation Area. Development of the site was therefore of considerable importance. Members were reminded that the main issues for consideration were the impact of the proposal on the Conservation Area and adjacent Listed Buildings, and the impact on residential amenity.

It was considered that the proposal had been carefully designed to reflect existing vernacular features and create a building of character which would add significantly to the overall appearance of the Conservation Area and it would fill an important "gap" in the river frontage. Members noted that the design had also taken care to minimise the impact on the setting of the adjacent listed building and residential amenity. As the proposal was considered to comply with Policies EN2 and EN5, it was recommended for approval.

At the invitation of the Chairman, Mr Salih Eresh, resident of the adjacent property spoke in opposition to the application and made the following comments:

- Many of his concerns had already been raised in a letter to the Local Planning Authority but he wished to reiterate a number of points;
- If permission was granted, the only sight of the sky, and the sun in winter would be through the proposed building;
- The poor visibility in an already congested area would be dangerous for residents of Riverside Walk;

- Mr and Mrs Eresh had 2 usable bedrooms in their property and the windows in the north elevation of the proposal would impact on their privacy;
- The lines of the proposed building were unnecessarily complex;
- The building would have a negative impact on the area;
- It was overdevelopment of the site.

Mr Eresh concluded by saying that a single storey house would be more in keeping, as it would not affect his light or privacy.

At the invitation of the Chairman, Mr George Peacock, applicant, spoke in support of his application and made the following comments:

- By way of background information, the whole area from the Antiques Centre to the riverside used to be a brewery and Mr Peacock's predecessors bought the entire lot;
- The site was badly knocked about, but Mr Peacock gradually restored no. 67 and the downstairs of no. 65, trying hard to make improvements in keeping with the Conservation Area;
- He sold the garden land etc to Mr and Mrs Eresh 10 years ago but made it clear from the outset that in due course he would build a house on the site;
- The tea shop would continue, but the proposal, if approved, would be a house for him and his partner to live in and give some separation between home and business;
- The plot had been built on before and it was crying out for something decent to be put on there;
- The view from the riverside was already obscured by trees and would probably be even more so in the future.

Councillor Hunt said he could understand the concerns regarding privacy and direct views into Mr Eresh's house, but he could not see any stipulation regarding glass being opaque. Mr Peacock replied that he shared these concerns and the whole design of the building would take this into account. He had lived in the listed house for 10 years and did not remember any problems. It was not proposed to use obscured glass as there would be mutual overlooking between the properties, but he was intending to put in some coloured glass. Each wanted their own privacy and the design tried to address this.

In response to a question from Councillor Stevens, Mr Peacock said it was his understanding that the previous Waterside building projected back beyond Babylon Gallery.

Members expressed differing views regarding the application.

Councillor Rouse welcomed the proposal, saying it would enhance and respect the setting and improve what was at present a messy area; he congratulated the architect and the applicant on the proposal. By contrast, Councillor Ambrose-Smith believed the proposed building to be an ugly, busy eyesore. When put to the vote,

It was resolved:

That planning application reference 11/00484/FUL be approved, subject to the conditions as detailed in the officer's report, and the Head of Planning & Sustainable Development Services being given delegated authority to ensure the satisfactory completion of the S106 legal agreement.

25. **11/00191/FUL – LAND ADJACENT TO ROMNEY HOUSE, DULLINGHAM ROAD, NEWMARKET**

The Senior Planning Officer, Sarah Hornbrook, presented a report (L73, previously circulated) which gave details of the application, the applicant's case, the site and its environment, the planning history and relevant planning factors and policies. A Members' site visit had taken place prior to the meeting.

Mrs Hornbrook summarised the main points of her report and, in response to a query regarding the number of houses on the site, informed Members that Romney House was one of a cluster of 9 dwellings. There were 8 properties on one side of the road, and one on the other.

Members noted that the site was located in an area designated as open countryside where there was a policy of strict control over development. The principle of residential development here would be contrary to Core Strategy policies CS1 and CS2, and national policy contained in PPS7. As there were no other material considerations of sufficient weight to justify overriding the policies of the Development Plan, the application was recommended for refusal.

At the invitation of the Chairman, Mrs Mary Rossdale, applicant, spoke in support of the application and made the following comments:

- She and her husband wished to build a retirement bungalow because their current house was too big;



- The bungalow had been designed to be as energy efficient as possible and any excess electricity generated would be sold back to the national Grid. There would be a wood burning stove, a rainwater system, and the roof would be constructed from sustainable material;
- If the application was approved, the lane (which was currently full of potholes) would be tarmac'd and the access widened;
- Three bungalows had been built nearby since their house was built and one of the dwellings in the hamlet had been granted permission for an enclosed swimming pool. Anglian Water had also been given permission for a large structure;
- The Duke of Sutherland, who is the owner of the adjacent land, was pleased with the plan;
- If approved, the application would provide work for local people;
- Neighbours were supportive of the proposal and she did not believe this would set a precedent;
- Dr Rossdale had given many years of service as an equine veterinary surgeon, and had been instrumental in setting up a world class specialist facility. He wished to spend his retirement in this same area.

At the invitation of the Chairman, Councillor Sue Willows, Ward Member for Dullingham Villages, spoke in support of the application and made the following comments:

- She wished to reiterate everything that had been said by Mrs Rossdale;
- She had known Dr Rossdale for 45 years and thought it would be nice for him to be able to retire in the same place as he had worked;
- The land was not suitable for grazing because of toxins.

During the ensuing discussion a number of Members expressed their support for the application.

Councillor Rouse said he would go against the officer's recommendation, because he believed the argument seemed to hinge on what was "open countryside" and this, he felt, was not. He would define the proposal as another dwelling within a cluster. The Principal

Development Control Officer clarified that the wording of the policy refers to “countryside” and not “open countryside”. It was a matter of fact that the site is located on land designated as countryside.

Councillor Hunt concurred with Councillor Rouse; having listened to all sides he felt that this was a case where the Committee should look at proper needs.

Councillor Wilson also supported the application, reiterating that the bungalow would be sited within a small group of houses.

Councillor Stevens was minded to go with the officer’s recommendation as he believed that to grant approval may set a precedent. However, he noted that it was supported by the Parish Council and local residents and he believed the “green” initiatives to be worthy of commendation.

The Principal Development Control Officer reminded the Committee that if they were minded to approve the application, the site would have to be decontaminated.

Councillor Rouse duly proposed and Councillor Kerby seconded that the Committee should reject the officer’s recommendation and instead grant planning permission because the application would fulfil a local need. The bungalow would be sited within a cluster of existing buildings developed over a number of years and would not be isolated in the countryside. Councillor Rouse also believed that the feeling of the meeting indicated that Members were mindful to approve. When put to the vote the motion was carried unanimously and,

It was resolved:

That the officer’s recommendation for refusal be rejected because Members feel that the application fulfils a local need, is within a cluster of existing buildings developed over a number of years and is not isolated in the countryside.

It was further resolved:

That planning application reference 11/00191/FUL be approved, subject to the imposition of appropriate conditions, with the precise wording of the conditions being delegated to the Head of Planning & Sustainable Development.

26. **11/00431/OUT – SEDGWAY EQUESTRIAN CENTRE, SEDGEWAY BUSINESS PARK, WITCHFORD**

The Team Leader, Development Control, Sue Finlayson, presented a report (L74, previously circulated) which gave details of the application, the applicant’s case, the site and its environment, the

planning history and relevant planning factors and policies. A Members' site visit had taken place prior to the meeting.

Mrs Finlayson summarised the main points of her report and reminded Members that the main issues for consideration were the principle of the dwelling in the countryside in respect of current policy, whether the proposal fulfilled the "functional" and "financial" policy requirements, and the impact on the character of the area.

It was noted that whilst the applicant had taken over the business in 2008, it had been established in 2001 with the construction of a block of 13 stables and the conversion of an agricultural building into an equestrian centre. It had grown to 29 stables prior to 2008 and no application for an on-site residence was made at that time.

Mrs Finlayson then read out an extract from the supporting text to Policy H5 – Dwellings for Rural Workers, which stated:

"It must be stressed that genuine essential need, rather than business convenience must be justified, and that justification on the basis of security will not be sufficient."

She continued, saying that judging from the planning history of the site, the equine centre had functioned at a similar capacity as at present for a number of years, without the prior need for a dwelling on the site. It was not considered that the introduction of two brood mares warranted a continuous 24 hour presence, as foaling needs could be met by temporary arrangements. In addition, the size of the proposed dwelling was considered to be overly large and not commensurate with any functional need that could be proven in respect of any welfare where justified accommodation would be likely to serve a groom or similar employee. The application was therefore recommended for refusal.

At the invitation of the Chairman, Amy Richardson, the applicant's agent, spoke in support of the application and made the following comments:

- The applicant had invested heavily in the site; the business was very successful and he wanted it to grow. At present he was actually losing business.
- It was sheer good luck that no horses had been taken ill. The applicant had a 12 minute drive from his house to the business and there was no other suitable housing nearby.
- There were 31 horses on site and the business was not solely dependent on mares; it was a riding school and livery yard first and foremost.

- The applicant's vet had concluded that a dwelling on site was the only solution.
- Security was a material consideration, and although CCTV could help, it did not reduce travelling time between the applicant's house and business. The site had been broken into again last week and cash taken; the police thought the business needed an on-site presence.
- The proposed dwelling was a 3 bedroomed bungalow, not a "flashy" dwelling. It was commensurate with the size of the applicant's house, it would be a family home and accommodate working pupils.
- An equine business of this size required an on-site presence, and the applicant would be happy to accept a condition linking the residence to the business should permission be granted.

Councillor Hunt enquired whether working students would regularly live in the proposed dwelling. Ms Richardson replied that this would be so; wages were notoriously very low and therefore it was usual to offer board and lodging. The applicant, Mr Carl Goodjohn, added that up to 6 people would be living there on a regular basis.

At the invitation of the Chairman, Councillor Pauline Wilson, Ward Member for Haddenham, spoke in support of the application and made the following comments:

- The equine centre wished to expand and the application was for a 3 bedroom bungalow, not a mansion. The applicant had two teenaged daughters (aged 13 and 16) who needed their own space, and there would also be two live-in working students;
- The bungalow would be too far from the road to be seen by anyone, hence the problems with security;
- Core Strategy policies CS1 and CS2 set the exceptions allowed and the riding school was primarily outdoors;
- The proposal would support the rural economy;
- Before 2008 the business was losing money and the horses were not being cared for properly. However, since Mr Goodjohn had taken over, he had turned the business around;

- The applicant lived in Witchford and this was too far away to be able to respond quickly to emergencies. The vet had written a letter supporting this view;
- At the end of the day, this was all about the welfare of the horses. When the recent break-in occurred, the intruders first stopped at the gate to see if there was anyone about.
- There was no bus service to the site, therefore it would be advantageous to have a bungalow on-site because there would be less comings and goings;
- The proposal was supported by the police, the British Horse Society and the vet. In the event of a fire, or a horse developing colic, the outcome could be fatal unless someone was on hand to take immediate action;
- The present arrangements were unsatisfactory, and although the animals were not racehorses, they were not cheap either.

Councillor Pauline Wilson concluded by asking the Committee to support what was a successful business.

The Chairman said that he would like to support the proposal but he had concerns that Members would usually need much more financial detail in order to make a decision. Mrs Finlayson replied that she had confidential information confirming that the business was sound. The Chairman added that the application appeared to “tick all the boxes” and if approved, the Head of Planning & Sustainable Development would be given delegated authority to deal with the appropriate conditions, which would include a S106 agreement.

Councillor Hunt voiced his support for the proposal saying that people wanted a secure environment for their horses. Because of the thefts of cash, tack and red diesel from the centre, he believed it essential that someone lived on site. He concluded by complimenting Mr Goodjohn on the way in which he had turned around the business.

Councillor Rouse declared that he was immensely impressed by the site, and was determined to support the application. He felt that such an enterprise, and the training of youngsters should be supported.

Councillor Gareth Wilson commented on the comings and goings at the Business Park, saying that with the hundreds of people already working there, one family would not make much difference. It would be important to be able to see and hear the horses because the animals should be looked after properly. He concluded by reiterating that this was a successful business.

The Principal Development Control Officer commented that he had not looked at the design of the dwelling but took on board the point that there would be minimal visual intrusion.

Councillor Rouse proposed and Councillor Gareth Wilson seconded that the Committee should reject the officer's recommendation, and instead approve the application.

Councillor Ambrose Smith asked who would determine the final design of the bungalow and was advised that if Members were so minded, they could ask for this to come back as Reserved Matters. Mrs Finlayson reminded the Committee that appearance, layout and landscaping were all still to be determined.

Councillor Hunt proposed and Councillor Gareth Wilson seconded that the application be approved, and when put to the vote, the motion was carried unanimously. Whereupon,

It was resolved:

That the officer's recommendation for refusal be rejected because Members believe that an on-site dwelling will provide more security for the Centre's equipment and possessions; it will improve the security and welfare of the horses; the brood mares will benefit from a continuous 24 hour presence, and it will provide accommodation for working pupils.

It was further resolved:

That planning application reference 11/00431/OUT be approved, subject to the imposition of appropriate conditions, with the precise wording of the conditions being delegated to the Head of Planning & Sustainable Development.

27. **INFORMATION ITEM – SIX MONTHLY REPORT ON PLANNING ENFORCEMENT: 1<sup>ST</sup> JANUARY 2011 – 30<sup>TH</sup> JUNE 2011**

The Senior Enforcement Officer, Andy Smith, presented a report (L75, previously circulated) which updated Members on planning enforcement for the period 1<sup>st</sup> January – 30<sup>th</sup> June 2011.

It was noted that the number of cases received was matched by those that had been investigated and closed. As at 30<sup>th</sup> June, there were still 216 cases outstanding and Mr Smith commented that this was a very high caseload for a small team.

A significant amount of S106 income had been received in this period and remained a prioritised area. There was a knock on effect in respect of the amount of proactive work the Enforcement Team could

do in relation to condition monitoring, and the pressure would increase as more S106 agreements were completed.

Mr Smith drew Members' attention to paragraph 8 of the report which gave details of appeals and prosecutions, and said that if anyone wished to discuss a particular case he would be happy to speak to them after the meeting.

It was resolved:

That the reported be noted.

The meeting closed at 4.42pm.