

PLANNING COMMITTEE MINUTES

Minutes of a Meeting held in the Council Chamber, The Grange,
Nutholt Lane, Ely on Wednesday 3 November 2010 at 2:00pm.

PRESENT

Councillor Philip Read (Chairman)
Councillor John Abbott
Councillor Derrick Beckett
Councillor Christine Bryant
Councillor Anthea Davidson
Councillor Lavinia Edwards
Councillor Jeremy Friend-Smith
Councillor Peter Moakes
Councillor James Palmer
Councillor Jackie Petts
Councillor Mike Rouse
Councillor Gareth Wilson

OFFICERS

Sarah Burns - Senior Legal Assistant
Ann Caffall – Senior Planning Officer
Alan Dover - Principal Development Control Officer
Giles Hughes – Head of Planning and Sustainable Development
Andrew Martin – Technical Officer, Environmental Services
Penny Mills – Planning Officer
Adrian Scaites-Stokes – Democratic Services Officer

ALSO IN ATTENDANCE

20 Members of the public

33. **APOLOGIES AND SUBSTITUTIONS**

Apologies were received from Councillor David Brown.
There were no substitutions for this meeting.

34. **DECLARATIONS OF INTEREST**

Councillor James Palmer declared a personal interest in agenda item 7, as he was a member of the Sports Centre Committee, had business interests relating to the houses adjacent to the application site and had children attending that school.

Councillor Mike Rouse declared a personal interest in agenda item 7, as he was formerly employed by Soham Village College and had children attending that school.

35. **MINUTES**

It was resolved:

That the minutes of the meeting held on 1 September 2010 be confirmed as a correct record and be signed by the Chairman.

36. **CHAIRMAN'S ANNOUNCEMENTS**

There were no Chairman's announcements.

37. **10/00598/FUL – 3A FOREHILL, ELY**

The Senior Planning Officer, Ann Caffall, presented a report to the Planning Committee, (K154) previously circulated, which gave details of the application, the applicant's case, the site and its environment, planning history and relevant planning factors and policies. A Members' site visit had taken place prior to the meeting.

The Senior Planning Officer advised the Committee about the reasons for the application, the circumstances and planning history of the site and the relevant planning issues that had to be taken into consideration. A number of objections had been received but residential amenity would be protected by the proposed conditions. On balance the application was recommended for approval.

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

- The property had been vacant for six years, as attempts to use it for business and residential purposes had failed, therefore there was no demand for the site;
- If the application were approved, there would be no visitors to the site;
- There would be no extraction of fumes;
- The application would support the town centre;
- It would not be detrimental to neighbours.

Councillor Anthea Davidson was concerned about the storage and use of mopeds and the effect of waste bins to the access along the alleyway. This was particularly relevant to the emergency door, if it was an emergency exit. Mr Cimen advised the Committee that only two mopeds would be used and there was sufficient room for a couple of waste bins in the alleyway.

At the invitation of the Chairman, Parish Councillor John Yates spoke on behalf of the City of Ely Council and made the following comments:

- The City Council had, with regret, recommended that the application be refused;
- There were concerns over noise, smells, the fire risk and access;
- The passageway was extremely narrow in trying to accommodate the mopeds and waste bins;
- Access from the alleyway onto the outside pavement would be difficult, as it was a busy footpath;
- The location was inappropriate.

The Technical Officer, Environmental Services, advised that there were two issues to consider, odour and noise. There was a technical solution to solve the odour issue that would be in accordance with national guidance. The noise generated by the mopeds would be more difficult to resolve, but starting them up in the road would be less of a concern.

Councillors Anthea Davidson and Jackie Petts thought the location was unsuitable for moped use. Councillor Petts did not think that this food production business should be in the city centre. Councillor Mike Rouse was disappointed with the location and was concerned about the noise problem. The mopeds would be started up in the alleyway, which would magnify the noise. On balance he was very concerned with the application and concurred with the views of the City Council.

Councillor Christine Bryant was puzzled as to why the application was being considered without other reports, including on food preparation. Without those reports the application fell down so should not be considered without Environmental Health input.

Councillor James Palmer had no problem with the application as it was in the middle of the city and was next to a nightclub. The business should be given a chance.

Councillor John Abbott appreciated the concerns expressed, as the location was not ideal, and was not happy with the application but queried whether there were planning grounds on which it could be refused.

Councillor Peter Moakes agreed with Councillors Abbott's and Palmer's comments. The Council should foster businesses. The location would only be used as a food preparation area and would not be retail. Therefore the recommendation for approval should be supported.

Councillor Gareth Wilson considered that some conditions had not been met, for example the fire exit door in the alleyway needed markings and to stop the use of the mopeds in the alleyway. Otherwise the site should be used. The recommendation should be supported but extra conditions relating to a clear notice for the fire exit and not starting the mopeds up in the alleyway should be included.

The officer's recommendations with these two extra conditions were duly proposed, seconded and, when put to the vote, agreed.

It was resolved:

That planning application 10/00598/FUL be APPROVED subject to the conditions as set out in the officer's report plus additional conditions relating to (a) a clear notice for the fire escape and (b) the use of mopeds in the alleyway.

38. **10/00722/FUL – TOILYARD, NEWMARKET ROAD, KIRTLING**

The Planning Officer, Penny Mills, presented a report to the Planning Committee, (K155) previously circulated, which gave details of the application, the applicant's case, the site and its environment, planning history and relevant planning factors and policies. A Members' site visit had taken place prior to the meeting.

The Planning Officer advised the Committee about the reasons for the application, the circumstances and planning history of the site and the relevant planning issues that had to be taken into consideration. The Committee was reminded that the design of the dwelling matched that in the permission previously given for converting the building. On balance the material considerations for this application outweighed policy considerations, therefore the application was recommended for approval.

At the invitation of the Chairman, Katie Thornburrow spoke in support of the application and made the following comments:

- The application was not in contravention of policies;
- The building would be the same as the previous application;
- The conditions on this application should not be any more onerous than those on the previous approval;
- The condition relating to boundary treatment needed clarification and should allow for fencing.

The Planning Officer then proposed an amendment to Condition 11 in the report, to read '**hard** boundary treatment'.

In response to Councillors Gareth Wilson's and Peter Moakes' concerns, Katie Thornburrow explained that the cellar was in the planning drawings and was meant to be covered over, so the building would appear to be two-storey.

Councillor James Palmer wanted to ensure that the finished building had the boards and the blue paint colour to match the previous building, so it looked the same as previously. Councillors Anthea Davidson and Philip Read both agreed with this and the proposal was made that the timber boarding should be vertical, with the paint colour to be agreed. This was duly proposed, seconded and unanimously agreed.

It was resolved:

That planning application 10/00722/FUL be APPROVED subject to the conditions as set out in the officer's report with the following amendments:

Condition 11 – to be changed to include the phrase 'no **hard** boundary treatment'.

Condition 13 – the timber boarding should be vertical, with the paint colour to be agreed.

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

The Planning Officer, Penny Mills, presented a report to the Planning Committee, (K156) previously circulated, which gave details of the application, the applicant's case, the site and its environment, planning history and relevant planning factors and policies. A Members' site visit had taken place prior to the meeting.

The Planning Officer highlighted as a matter of housekeeping that additional comments had been received from nearby residents. One of these had been received during the course of the consultation period and others had been received after. All of these representations were circulated to Members before the meeting.

The Planning Officer advised the Committee about the reasons for the application, the circumstances and planning history of the site and the relevant planning issues that had to be taken into consideration. On balance the application was recommended, with appropriate conditions, for approval.

At the invitation of the Chairman, Mr John Norton spoke against the application and made the following comments:

- Residents objected to the application as, due to its proximity to nearby houses, there would be noise problems;
- The area would be used until 7pm seven days a week;
- They queried the location of the proposed new tennis courts, given the entire college area was available for these facilities;
- There would be light pollution, seven days a week, which would impact on residents;
- What was the design for the lights, as it was unclear in the application;
- Anti-social behaviour would be a problem, as the previous courts had seen that problem;
- Vandalism would be an ongoing problem with the orchard being a target, as it bordered on the tennis courts;
- Who would manage the use of the courts, as the Ross Peers sports centre was too far away;
- Who would maintain the new courts?

At the invitation of the Chairman, Dr Carin Taylor, Principal of Soham Village College, accompanied by Mr John Peryer, spoke in support of the application and made the following comments:

- The College valued its relationships with the community, including that with the Ross Peers sports centre;
- The sports centre would manage the new courts;
- This application had come about due to the new performing arts facility being built on the old tennis courts;
- The tennis courts were needed for the school curriculum;
- The College were also keen to ensure the Tennis Club and the community could use the new courts, including in the evenings;
- The new courts would be located next to existing courts;
- The College were keen to preserve its existing playing areas to deliver physical education.

In response to Councillors Gareth Wilson's and Mike Rouse's questions, Mr Peryer advised the Committee that the previous courts had been booked until 10pm, the 7pm time limit would be a problem for the Tennis Club, the courts would be built to a high standard, the courts could be booked by anyone to use out-of-school hours, and the Tennis Club would book early but not for every day.

Councillor Derrick Beckett wondered why, if the existing courts were re-surfaced, they could not be used rather than the new courts. They would be further away from the residents. Mr Peryer saw no reason why this could not be done and the College would be happy to consider that.

Councillor Anthea Davidson thought using the existing courts would be a good idea, as the light and noise issue would be further away from residents. There was some sympathy for the neighbours, as a lot of screening had been removed and the orchard would take a long time to grow up. The other class rooms could be moved, as there was a lot of sports field, so the courts could be moved away from College Close which would make a huge difference. The time limit of 7pm for use was unreasonable.

Councillor James Palmer thought the existing courts could be finished to the same, competition, standard as the new courts. They would mainly be used by the community. He concurred that the 7pm time limit was unreasonable and proposed that it be changed to 9pm Monday to Thursday and 6:30pm Friday to Sunday. He also agreed that Councillor Beckett's idea was good but queried how the Committee could decide that, as it was not in the application.

Councillor Mike Rouse could not see the point of the time limit as this would mean no community tennis in Soham. The siting of the new courts could have been more sensitively made but the whole facility should be looked at. There should be restrictions on the lighting but not on timings of use.

Councillor Derrick Beckett proposed that the matter be deferred so that Soham Village College could revise their plans to account for the Committee's comments and incorporate lighting for the four southern courts with unrestricted time of use. This was seconded by Councillor Anthea Davidson.

The Principal Development Control Officer suggested that the Committee could either approve the construction of the new courts with conditions relating to the hours of use and lighting to be approved by the Local Planning Authority or give officers parameters to work within on those issues to agree or bring back to the Committee.

Councillor James Palmer proposed an amendment, that the construction be approved with the caveats given by the Principal Development Control Officer and that the proposals over the lighting and hours be brought back to the Committee. This was seconded by Councillor Gareth Wilson. The Planning Officer noted that this related to conditions 6 and 8.

Upon being put to the vote it was declared carried.

It was resolved:

That planning application 10/00750/FUL be APPROVED subject to the conditions as set out in the officer's report with the following amendments:

Conditions 6 and 8 – be removed;
Proposals relating to the lighting scheme and hours of use be submitted to the Local Planning Authority and be brought back to the Planning Committee for consideration.

The Chairman announced that this was the last Committee meeting for Ann Caffall. On behalf of the Committee he wished her well for the future.

The meeting finished at 3:43pm.