



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee
held in the Council Chamber, The Grange, Nutholt Lane,
Ely on Wednesday, 4th January 2017 at 2.00pm.

P R E S E N T

Councillor Joshua Schumann (Chairman)
Councillor Sue Austen
Councillor Derrick Beckett
Councillor Paul Cox
Councillor Lavinia Edwards
Councillor Bill Hunt (Substitute for Councillor Tom Hunt)
Councillor Mike Rouse
Councillor Lisa Stubbs

OFFICERS

Lorraine Brown – Conservation Officer
Tim Driver – Planning & Highways Solicitor (Locum)
Richard Fitzjohn – Planning Officer
Barbara Greengrass – Senior Planning Officer
Janis Murfet – Democratic Services Officer
Andrew Phillips – Senior Planning Officer
Rebecca Saunt – Planning Manager

ALSO IN ATTENDANCE

6 members of the public attended the meeting.

79. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Councillors Ian Bovingdon, David Chaplin and Tom Hunt.

It was noted that Councillor Bill Hunt would substitute for Councillor Tom Hunt for the duration of this meeting.

80. DECLARATIONS OF INTEREST

Councillor Hunt declared a prejudicial interest in Agenda Item No. 8 (16/01364/F3M, Grassed Area Opposite 2 The Shade, Soham, CB7 5DE), being Chairman of the Asset Development Committee. He said he would leave the Chamber prior to consideration of the item.

Councillor Stubbs also declared an interest in Agenda Item No. 8, being a member of the Asset Development Committee. She said that she would come to the application with an open mind.

81. MINUTES

It was resolved:

That the Minutes of the Planning Committee meeting held on 7th December 2016 be confirmed as a correct record and signed by the Chairman.

At this point, Councillor Hunt vacated the Chamber.

82. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that planning application reference 16/01364/F3M had been withdrawn from the agenda and determination would be deferred to a later date.

Councillor Hunt returned to the Chamber.

83. 16/00255/FUL – THE OLD HALL, SOHAM ROAD, STUNTNEY, CB7 5TR

Barbara Greengrass, Senior Planning Officer, presented a report (R166, previously circulated) which sought consent to change the use of the Old Hall to provide bed and breakfast accommodation with 14 rooms and 2 staff bedrooms, provision of a kitchen and bar to support the wedding and party business.

The proposal also included the construction of an outbuilding for a biomass boiler, fuel store, laundry room and ancillary storage to the operation of the Old Hall wedding venue, the retention of the extended car park and the construction of additional car parking,

It was noted that the application had been brought to Planning Committee as the Constitution requires proposals for the installation of a biomass boiler to be determined by the Committee.

The site was located in the countryside, immediately to the east of the A142 and was positioned on an elevated plot with surrounding gardens and ponds. The site was accessed via a pair of gates which led to a car park.

A number of illustrations were displayed at the meeting. These included a map of the application site, an aerial photograph, the proposal showing the layout of the ground, first and second floors, the car park and ancillary building, the elevations, and the layout of the ancillary building. There were also two photographs to illustrate the position of the marquees in relation to the Old Hall.

The Senior Planning Officer said the key issues for consideration in the determination of this application were:

- Principle of development;
- Impact on the character and appearance of the countryside;
- Residential amenity; and

- Highway safety.

Speaking of the principle of development, the Senior Planning Officer reminded Members that for some years the Old Hall had been the family home with ancillary bed and breakfast accommodation. In 2012 permission was granted for a group of marquees adjacent to the Old Hall to hold weddings and other functions. This had since proved to be very successful and had resulted in a significant amount of local employment. As well as there being full and part time staff at the Hall, local businesses and firms had also benefitted.

Based on the information provided by the applicant, it was considered that the proposal complied with Policies COM 1, EMP 7 and EMP 8. It would support and complement the function of Ely as a main service centre by providing an attractive function venue in a rural setting but not far removed from the city itself. The proposal was of an appropriate scale and nature relative to its location and would not have a significant adverse impact in terms of the amount and nature of traffic generated.

It was considered that there was an identified need for this expansion to support the existing wedding venue and functions business. The applicant had stated that the bed and breakfast was aimed primarily at the wedding and party market. It was expected that the rooms would be booked by guests, and interest had already been expressed by wedding parties to book the exclusive use of the facilities. It would boost the local economy as use of the Old Hall would create demand for guests to use accommodation in Ely and would contribute to the use of other local facilities such as florists and photography businesses.

In terms of residential amenity, as the work proposed was to complement and support the expansion of the existing wedding and functions business, it was considered that no loss of residential amenity would occur. The existing business had not given rise to any noise complaints and the Noise Management Plan approved by the Council had been successfully operated at the site.

With regard to visual amenity, Members noted that there would be no external changes to the Old Hall. The new outbuilding would not be visually intrusive or unacceptable due to its siting and the sensitive choice of materials. The surface of the extension to the car park would match the existing and soft landscaping was proposed to the boundary of the car parking area.

In terms of highway safety, the extension to the car park would provide parking for up to an additional 71 cars. The County Highway Authority was satisfied that there would be no material impact on the performance of the road access and the wider transport network. The proposal was therefore compliant with Policy COM 7 of the Local Plan.

The Senior Planning Officer said that the property was currently served by two oil boilers and there might be a need for another. As this would be expensive and not sensible, given the substantial amounts of fossil fuel that would be burnt, the applicant had investigated the use of renewable energy options, which was supported by Policy ENV 4 of the Local Plan.

Biomass had been recommended and the chips would be delivered by a supplier direct to the fuel hopper (as was the case now with oil) or to a farm building near the site and brought to the site by the applicant when needed.

With regard to Access, Members noted that disabled access was provided to all ground floor rooms and toilet provision was also provided at this level. The staircases were also installed to provide a safe passage for ambulant disabled and in order to comply with Building Regulations. Rooms on the ground floor were all accessible and had the appropriate fittings and furniture to permit access for wheelchairs where needed.

The Chairman reiterated that this application had been brought before Members because the Council's Constitution required proposals regarding renewable energies to come to the Planning Committee.

There being no further comments, Councillor Hunt said he was delighted to propose that the Officer's recommendation for approval be supported. He wished to say 'welcome' to the new business and he offered the applicant his congratulations on its continuing success.

Councillor Rouse seconded the motion for approval, and when put to the vote,

It was resolved unanimously:

That planning application reference 16/00255/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

84. 16/00665/OUT – 3 CHAPEL LANE, SOHAM, CB7 5UL

Richard Fitzjohn, Planning Officer, presented a report (R167, previously circulated) which sought outline planning permission, with some matters reserved, for the replacement of an existing dwelling and the erection of an additional dwelling. Matters of access, layout and scale were to be considered as part of this application, however, matters relating to appearance and landscaping were reserved.

Members were reminded that this application had previously been brought to Planning Committee on 5th October 2016 and determination was deferred to await the submission of an Ecology Report. That report had now been received.

On a point of housekeeping, it was noted that during the course of the application, the application site red line boundary had been amended so that it adjoined the adopted public highway. All consultees and neighbours were re-consulted and the consultation period would expire at midnight today, 4th January 2017. The only consultee to change their original response was the Internal Drainage Board, which stated that it now had no objections.

The site was located in the open countryside to the north east of Soham towards the west end of Chapel Lane. It comprised an existing two storey dwelling, two outbuildings of a rural appearance and some trees. The site was predominantly surrounded by open agricultural fields, with the Internal Drainage Board's Town Drain and Fodder Fen Drove running

adjacent to the west of the site. A neighbouring dwelling was also located within close vicinity to the site to the north west.

A number of illustrations were displayed at the meeting. These included a map of the application site, aerial photographs, the layout and footprint of the proposed dwellings, and photographs showing the existing dwelling and its access and the outbuilding.

The Planning Officer said the key issues for consideration in the determination of this application were:

- The principle of development;
- Character and appearance of the area;
- Flood risk;
- Ecology;
- Highway safety;
- Trees; and
- Residential amenity.

Members were reminded that the Council was currently unable to demonstrate a 5 year land supply for housing and therefore the presumption in favour of sustainable development set out in the NPPF meant that permission for development should be granted unless any adverse impacts would significantly or demonstrably outweigh the benefits of the proposed dwelling.

The benefits of the proposal would be the provision of an additional residential dwelling to the District's housing stock, built to modern sustainable building standards, and the positive contribution to the local and wider economy in the short term through construction work. Furthermore, the mitigation measures and enhancements recommended within the submitted Ecology Report would result in a net gain in biodiversity, if implemented.

However, the proposed development site was located significantly outside of the settlement boundary for Soham in an unsustainable location. An appeal decision had recently been dismissed for sustainability reasons along The Cotes in Soham on a site which was significantly closer to the settlement boundary and town centre of Soham. The Planning Officer showed Members an aerial photograph which illustrated the distance of the application site from the settlement boundary and The Cotes from the centre of Soham.

This appeal decision was a material planning consideration which should be given significant weight. Paragraph 55 of the NPPF stated that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This was not considered to be the case with this proposal, as it would result in a significant number of isolated new homes in the countryside.

The Committee noted that the application site was located within Flood Zone 3, defined within the NPPF Planning Practice Guidance as having a 'high probability' of flooding, and the development type proposed was classified as 'more vulnerable'. The Guidance made it clear that this type of development was not compatible with this Flood Zone and therefore should not be permitted unless the development was necessary. There were many other available sites in areas at lower risk of flooding within the Parish of Soham and therefore the proposal failed the Sequential Test, contrary to the NPPF and Local Plan Policy ENV8.

With regard to the character and appearance of the area, the Planning Officer reminded Members that the area was predominantly rural in nature, comprising open agricultural fields and with limited residential development. The proposal would have an urbanising impact, which would erode the predominantly rural character and would be visually intrusive upon surrounding rural landscape.

The Ecology Report had concluded that there were no significant ecological constraints that would prevent residential development of the site. Mitigation and enhancement measures could be conditioned, should Members be minded to grant approval, and would provide a net gain in biodiversity.

Speaking next of highway safety, the Planning Officer said that the access benefitted from good visibility onto Chapel Lane and low levels of traffic. The site had adequate space for car parking and turning and the Local Highway Authority (LHA) had no objection to the scheme, subject to the installation of a passing bay along Chapel Lane. The location of the passing bay had already been agreed with the LHA, and if the application was approved, a Grampian Condition should be appended to the permission to ensure that it was installed in accordance with submitted plans.

The Trees Officer had stated that there were no trees worthy of a Tree Preservation Order within the site.

There would be sufficient amenity space for each dwelling and no loss of amenity to the neighbouring dwelling.

The Planning Officer concluded by stating that the benefits of the proposal would be outweighed by the significant and demonstrable harm which would be caused by the siting of an additional dwelling in an unsustainable location. There would also be the increasing reliance on the car to gain access to services and facilities, a detrimental urbanising impact upon the surrounding rural landscape, and the increased risk of an additional dwelling within Flood Zone 3 despite there being reasonably available sites elsewhere with a lower probability of flooding.

At the invitation of the Chairman, Mr Andrew Fleet, agent for the applicant, and Mr Geoff Beel, Drainage Engineer, addressed the Committee and made the following comments:

Mr Fleet

- Great Fen Road and Hasse Road are known as Soham Fen and are a hamlet;
- The Draft East Cambridgeshire Local Plan suggests that small scale development should be acceptable;
- Recent development showed that older smaller buildings had been demolished and rebuilt as larger properties;
- This application would offer a chance to retain the balance and the social element would help to meet the needs of local people by providing smaller properties;
- The applicant is Cambridgeshire born and bred, and would occupy one of the dwellings. She works from home using fast broadband and uses her car mainly for pleasure;
- A person living in this location would understand country living;
- A family member wanted to purchase the other dwelling;
- Planning permission had been granted to similar hamlet locations such as the Little Downham Drovers and Wardy Hill. In terms of location to services, they were no different to Soham Fen;
- In West Suffolk, an Inspector had allowed an appeal saying '*.... that specifically reducing travel by car is no longer one of the expressed main concerns of Government policy... Those living in rural areas will not have the same travel choices as those in a town. In practice the occupants would be likely to rely on the private car rather than more sustainable modes. Even for a rural location the accessibility credentials of the site would not be high to the extent that this would be a negative aspect of the proposal.*'

Mr Beel

- The risk of flooding in this location was comparable to Prickwillow;
- In August 2016 dwellings in Prickwillow had passed the Sequential Test and Chapel Lane was no different to those;
- Mitigation measures for this proposal had been accepted by the Environment Agency on 23rd September 2016;
- The dwellings would not be affected by flood waters;
- There was no technical or logical reason not to approve the application.

Councillor Beckett said that as a Planning Committee, Members should be consistent, and he reiterated that the appeal on The Cotes application had been dismissed. Soham Fen was a hamlet and Chapel Lane was some distance away from Great Fen Road. To him, this proposal smacked of building in the open countryside and he felt that the Officer's recommendation for refusal should be supported.

Councillor Rouse said he had no problem with people living in Soham Fen; they had done so for a long time. To him, the arguments regarding sustainability made no sense and were made unsustainable by political action. A replacement dwelling was acceptable and would not be at risk of flooding whereas Members were being advised that an additional dwelling was unacceptable and could possibly have an impact on the open countryside. He said that he would not support refusal of the application because the scheme would provide perfectly good dwelling places and the occupiers would appreciate that they were in the countryside and would need a car.

Councillor Rouse duly proposed that the Officer's recommendation for refusal be rejected and the application be approved.

The Chairman concurred, saying that there was evidence to suggest that the location was not at risk of flooding. Sustainability no longer seemed to be a reason for refusal as he was mindful of the number of applications in similar types of location that had been granted permission. He felt that impact on the countryside was subjective, given the number of modern buildings around, and whilst the reasons for refusal were justified in terms of policy, they just did not stack up. In view of this he said he was happy to support approval of the application and he seconded Councillor Rouse's motion.

Councillor Beckett commented that with regard to Soham Fen, there had been infill along Great Fen Road and Hasse Road. However, there was a significant difference in the case of Chapel Lane because it was in the countryside. The Chairman agreed that this was a valid point.

There being no further comments, the Committee returned to the motion for approval. When put to the vote, the motion was declared carried, there being 5 votes for and 3 votes against. Whereupon,

It was resolved:

That planning application reference 16/00665/FUL be APPROVED for the following reasons:

- There is evidence to the contrary regarding the risk of flooding;
- The scheme will add to the District's housing stock;
- Members do not believe that the dwellings will have an adverse effect on the open countryside; and
- It is a sustainable location.

It was further resolved:

That the Planning Manager be given delegated authority to impose suitable conditions.

Lorraine Brown, Conservation Officer, presented a report (R168, previously circulated) which sought consent for alterations to the existing shop front in order to provide a new independent access to the first floor flat above.

The works to the shop front included the alteration of the right hand side shop window to make this smaller, and to insert a new entrance door.

It was noted that the application had been brought to Planning Committee as the applicant is a District Councillor and it will allow the application to be determined in an open forum in line with the Council's Constitution.

The application site was located on the north east side of Forehill, within the established development framework for Ely and within the Ely Conservation Area.

A number of illustrations were displayed at the meeting. These included a map of the application site, an aerial photograph, a drawing of the existing shop front and the existing floor plans, and a drawing of the proposed shop front and proposed floor plans.

The Conservation Officer said the main considerations in the determination of this application were:

- Principle of development;
- Impact on the historic environment; and
- Residential amenity.

The proposal would not result in a significant loss of retail space with the ground floor being retained as a tattoo shop. At present the flat was accessed via the yard to the rear of the shop by an external staircase which required entry through the passage between No's 11 and 13. However, there was no legal right of way to this area and so it had become necessary to provide an independent access to the flat on the application site.

It was noted that the work proposed would match the existing shop front, and the existing shop front would be refurbished. Overall, the traditional timber front would be retained and repaired and so there would only be a limited impact on the Conservation Area or nearby listed buildings.

With regard to residential amenity, the Conservation Officer said that the application did not propose any alterations to the residential unit and the insertion of a door would not have an adverse impact on residential amenity.

Councillor Hunt asked the Conservation Officer if it was possible to make level the entrance to the shop but she replied that there was no requirement to do this and the Authority could not insist on it.

Councillor Rouse remarked that here was a relatively modern building that had been tastefully updated. He considered the proposal to be a big improvement and he liked the idea of people living above the shop.

Councillor Beckett asked if this application conflicted with an application for the same site that had come to Committee last year. The Planning Manager replied that it did not, because this one was totally separate.

It was 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 16/01169/FUL be APPROVED subject to the recommended conditions as set out in the Officer's report.

86. 16/01364/F3M – GRASSED AREA OPPOSITE 2 THE SHADE, SOHAM, CB7 5DE

Planning application 16/01364/F3M was withdrawn from the agenda and determination deferred to a future date.

87. 16/01524/FU3 – DOWNHAM ROAD PLAYING FIELDS, DOWNHAM ROAD, ELY, CB6 2SH

Rebecca Saunt, Planning Manager, presented a report (R170, previously circulated) which sought a variation to the location of the netting which had previously received approval at Planning Committee on 4th August 2016.

A number of illustrations were displayed at the meeting including a map of the application site, an aerial photograph, the layout in relation to the previous proposal and a further aerial photograph highlighting the application site.

The Planning Manager said the main considerations in the determination of this retrospective application were:

- Residential amenity;
- Visual amenity and historic environment;
- Highways; and
- Ecology.

Members were reminded that permission had already been granted and this application would only move the netting 8 metres closer to the boundary with the leisure centre.

The netting was required to ensure the protection of customers to the leisure centre development to prevent damage or injury to vehicles and people using the car park adjacent to the existing pitches.

While the location of the netting had moved by approximately 8 metres, it was not considered to fundamentally change what had previously been approved at this site. The proposal had no adverse impact on ecology, highways, residential or visual amenity and was therefore recommended for approval.

There being no comments or questions, it was proposed by Councillor Austen and seconded by Councillor Rouse that the Officer's recommendation for approval be accepted. When put to the vote,

It was resolved unanimously:

That planning application reference 16/01524/FU3 be APPROVED subject to the recommended conditions as set out in the Officer's report.

88. PLANNING PERFORMANCE REPORT – NOVEMBER 2016

Rebecca Saunt, Planning Manager, presented a report (R171, previously circulated) which summarised the planning performance figures for November 2016.

Members noted that the agency Planning Officer would be leaving the Authority at the beginning of February. The vacant posts were to be re-advertised, but the Planning Manager was thinking about recruiting a Planning Assistant who could be trained up, as this had proved to work well in the past.

Most targets were being achieved, but problems with the Document Management System were impacting on validation and creating extra work for Officers. A fix had been found for new applications, but it could not be relied on in the long term. The Support Team was working hard to try and overcome the problems until they could be resolved.

Consideration would be given to asking Customer Services to help the Planning Team by sending out documents and information in response to queries from the public.

The Chairman noted that despite all the difficulties, the majority of work was being completed in time and he thanked the Planning Manager and her Team for their efforts.

Councillor Beckett congratulated the Enforcement Team on reaching a balance between the number of cases registered and those closed, saying that the Team was doing well.

It was resolved:

That the Planning Performance Report for November 2016 be noted.

The meeting closed at 2.47pm.

