



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 March 2015
at 2.00pm

P R E S E N T

Councillor Joshua Schumann (Chairman)
Councillor Derrick Beckett
Councillor David Ambrose Smith
Councillor David Brown
Councillor Lavinia Edwards
Councillor Lis Every
Councillor Jeremy Friend-Smith
Councillor Bill Hunt (Substitute for Councillor Tom Hunt)
Councillor Mike Rouse
Councillor Robert Stevens
Councillor Gareth Wilson

OFFICERS

Amanda Apcar – Principal Solicitor
Julie Barrow – Planning Officer
Oliver Cook - Development and Enabling Officer
Penny Mills – Senior Planning Officer
Janis Murfet – Democratic Services Officer
Peter Preston – Development Monitoring Officer
Melissa Reynolds – Senior Planning Officer - North Ely
Rebecca Saunt - Senior Planning Officer
Lesley Westcott - Planning Officer
Sue Wheatley – Planning Manager

ALSO IN ATTENDANCE

Councillor Michael Allan
Councillor Ian Allen
Councillor Anna Bailey
Jo Brooks – Director (Regulatory Services)
Lorraine Brown – Conservation Officer
Emma Grima – Corporate Unit Manager

Approximately 30 members of the public attended the meeting.

82. **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Tom Hunt.

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

83. **DECLARATIONS OF INTEREST**

The Principal Solicitor said she wished everyone present to be aware that all Members of the Planning Committee had a personal interest in Agenda Item No.10 (14/01331/OUT, Land South of 175 to 189 Main Street, Witchford), the land being owned by the Council.

Councillor David Ambrose Smith declared a personal interest in Agenda Item No.5 (13/00734/OUM, Kings of Witcham Ltd, The Slade, Witchford) and No. 6 (14/01403/FUL, 41 St Mary's Street, Ely), and he said would reserve the right to speak.

Councillor Lis Every declared a Disclosable Pecuniary Interest in Agenda Item No. 5 (13/00734/OUM, Kings of Witcham Ltd, The Slade,Witchford) and said she would leave the Chamber prior to consideration of the item. She also declared a personal interest in Agenda item No. 6 (14/01403/FUL, 41 St Mary's Street, Ely).

Councillor Bill Hunt declared a personal interest in Agenda Item No. 10 (14/01331/OUT, Land South of 175 to 189 Main Street, Witchford). He said that he was Chairman of the Asset Development Sub-Committee, but he had left that committee whenever this matter had been debated. He knew of the applicant but could not recognise him and had made no contact with him on this matter. He remained open to all arguments and was able to change his mind in the light of all the information presented during this meeting.

84. **MINUTES**

Councillor Brown said that at the last Committee meeting, it had been agreed that the number of votes cast in respect of each application would be recorded in the Minutes, but this had not been done. The Chairman replied that the Clerk had noted this for future reference. Whereupon,

It was resolved:

That the minutes of the Planning Committee meeting held on 7th January 2015 be confirmed as a correct record and signed by the Chairman

85. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- At the last Committee meeting it had been agreed to defer decision on the Site Visit Protocol to enable the Planning Manager to incorporate Member comments and further revise the Protocol. This was still a works in progress and the Protocol would come back to a future meeting.
- There would be a change to the order of the Agenda and Item No. 11 (Enforcement Report) would be taken first.

86. **SIX MONTHLY REPORT ON PLANNING ENFORCEMENT : 1ST JULY – 31ST DECEMBER 2014**

Peter Preston, Development Monitoring Officer, presented a report on behalf of the former Senior Enforcement Officer who had since left the Authority.

He explained that the report set out details of the complaints received, levels of work outstanding and the cases resolved between 1st July and 31st December 2014. It also highlighted “proactive cases” and work undertaken, including monitoring planning conditions.

Members noted that 174 unresolved and outstanding reactive cases were brought forward, and 127 new cases were received in this reporting period, resulting in a total of 301 cases. Of those, 156 were investigated, resolved and closed; as of 31st December 2014 there were 145 cases outstanding.

Mr Preston said that with the departure of the Senior Enforcement Officer, resources had been halved. To date, the vacancy had not been advertised and consequently, not filled. Management action to resolve the issue was in hand, but urgent action was needed.

There remained a number of cases which at some time would require an additional resource to address them. They were cases where formal action may be required, and due to current levels of work and resources, they were sitting in abeyance. It would be important to have full control over the enforcement caseload and there was little flexibility within the team to react to any unforeseen breaches. This was a concern, especially with the North Ely development coming forward.

Mr Preston concluded by remarking that in August 2014, staffing levels were to have been looked at, but he was unaware of any outcomes.

Councillor Wilson responded by saying that this reiterated what he had said at the last meeting of Council about putting in more resources. He hoped that the Administration would listen to what had been said, take action and put something in place as soon as possible.

The Chairman replied that it had been recommended that a Working Party be set up to look at this issue. As no further action had been taken to

date, he felt that it should therefore be organised by a Member of the Planning Committee. In response to a call for volunteers, Councillor David Ambrose Smith said he would be happy to undertake the responsibility.

It was resolved:

That the six monthly Planning Enforcement report for the period 1 July – 31 December 2014, and the comments made thereon, be noted.

Councillor Every left the Council Chamber at this point in the meeting.

87. **13/00734/OUM – KINGS OF WITCHAM LTD, THE SLADE, WITCHAM**

Sue Wheatley, Planning Manager, reminded Members that this application had been considered by the Planning Committee at its meeting on 7th May 2014. The Committee had resolved to approve the application subject to conditions and the negotiation of a S106 legal agreement to address viability, the provision of affordable housing on the site and a payment in lieu of public open space on the site.

Work had been progressing on the draft S106 but the application needed to be reported back to the Committee as circumstances had changed since the permission had been granted.

It was noted that in November 2014 the Government had introduced a threshold for the provision of affordable housing and tariff style planning obligations. It was included in both a Ministerial Statement and an amendment to the online Planning Practice Guidance, and as it was included in the Ministerial statement, it should be regarded as planning policy. Members' attention was drawn to paragraph 3.1 of the Officer's report which set out the pertinent extract of the guidance.

Section 38 (6) of the Planning & Compulsory Purchase Act required that decisions on planning applications be made in accordance with the Development Plan unless material considerations indicated otherwise. In this case the relevant part of the development plan was the East Cambridgeshire Core Strategy 2009, which included a threshold of 3 dwellings. However, the threshold had not been applied since the submission of the draft Local Plan with its higher threshold of 5 dwellings contained within Policy HOU3.

By doing this the Council had, in effect, been treating policy H3 as being out of date, and therefore regard had to be given to the other material planning considerations: the Draft Local Plan, and the Ministerial Statement.

The Planning Manager reiterated that a number of local authorities had questioned the new threshold and had chosen not to apply it. Also a legal challenge had been launched against the Government jointly by two Councils. It had therefore been very difficult to make a recommendation regarding whether or not this Authority should seek a S106 contribution for

affordable housing. It would be unreasonable to delay determination of applications pending receipt of the Inspector's report and the results of the legal challenge. As the Local Plan had not been adopted and was in conflict with the recent Ministerial Statement it was considered by Officers that more weight should be given to the Ministerial Statement than the emerging Local Plan. The weight to be given to material considerations was a matter for the decision maker.

The Planning Manager reminded the Committee that this was just an interim Officer view which could change following receipt of the Inspector's report and/or the outcome of the judicial review.

The outline application, with all matters reserved, was for 10 dwellings in total and the floor space of the development was unknown. Under the new threshold it was only when floor space did not exceed 1,000 square metres that affordable housing was not to be provided. This was explained to the applicant and views sought regarding whether the developer wished to see the development restricted to a floor space of less than 1,000 square metres by condition or whether affordable housing would still be proposed. The developer had confirmed in writing that the scheme would be restricted to a maximum of 1,000 square metres of gross floor space.

It was therefore recommended that the application be granted permission as previously, but with an additional condition limiting the floor space to 1,000 square metres.

Councillor Wilson thought this to be an appalling idea, and said that unless there was an absolute requirement to follow the Ministerial Statement, the Authority should reserve the right to put on a S106 Agreement. Witcham would not have any affordable housing, and was never likely to have, and youngsters would have to move away from the village. He could not see any reason not to have a S106.

The Chairman stated that the Authority was legally bound to the Ministerial Statement. In response to a question from Councillor Brown he confirmed that the change in circumstances had not impacted on any of the permissions granted between November 2014 and the present time.

Councillor Stevens noted that none of the District fell within the definition of a "rural area" and asked how this had come to be applied. He was advised that the Government had ruled on this.

Councillor Ambrose Smith applauded Officers, saying their approach showed that the Authority was open for business and listening to customers.

Councillor Friend-Smith raised the issue of the legal challenge to the Government and asked what would happen if it was sustained. The Planning Manager replied that once a decision had been made and a planning decision notice had been issued, it was final. However, if the challenge was sustained, then the Authority would have to reconsider its position. She

reminded Members that in reaching their decision, this was an interim Officer view that could change following the outcome of the judicial review.

Having been proposed and seconded, the Officer's proposal was put to the vote and declared carried, there being 8 votes for and two against. Whereupon,

It was resolved:

That planning application reference 13/00734/OUM be APPROVED subject to the conditions approved previously (included within Appendix 1 of the report) together with the following additional condition:

Condition

The gross floor space of the development hereby approved shall not exceed 1,000 square metres.

Reason

Development in excess of this floor space would exceed the threshold for the provision of affordable housing as set out by National Government in the Ministerial Statement and the Planning Practice Guidance.

Councillor Every returned to the Council Chamber at this point in the meeting.

88. **14/01403/FUL – 41 ST MARY'S STREET, ELY**

Julie Barrow, Planning Officer, informed the Committee that subsequent to the despatch of the Agenda, the Applicant had submitted comments based on her report and comments from the Conservation Officer. Paper copies of the Applicant's comments were tabled at the meeting for the benefit of all present.

The Planning Officer, presented a report (P204) which provided details of an application seeking consent for the amendment to previously approved 13/00688/FUL and 13/00739/ORN to include two additional flats at roof level through the addition of a further storey on the building, the construction of a lift on the rear elevation and amendments to the exterior of the building to that approved. The changes proposed to the approved scheme also necessitated the repositioning of two dwellings on land to the rear of the site, previously approved by 13/01099/FUL

The addition of an extra storey on the existing building at 41 St Mary's Street would increase the height of the building from 6.6 metres to 9.5 metres, with the Applicant proposing to install a "mock Georgian" facade on the elevation facing St Mary's Street. A sloping roof was proposed on the facade with the remainder of the existing flat roof beyond retained. A number of changes were proposed to the fenestration pattern on the front elevation.

This included the modification of two window openings into doors and the addition of a number of pitched roof and flat roof dormers at roof level. The external lift shaft on the rear elevation would extend beyond the rear of the existing building by 4.5 metres, have a width of 4.8 metres, height of 9.6 metres and it would be centrally located.

The inclusion of the lift in the proposal had necessitated a number of changes to the layout of the car parking area to the rear of the building and the consequential repositioning of the two approved dwellings to the rear. The revised layout was for the same number of spaces, albeit in a different layout, to serve ten residential units. The proposal therefore represented the loss of the two visitor spaces.

The rearrangement of the car parking spaces had led to the repositioning of the two approved dwellings to the rear of the site. These were to be located closer to the western boundary, reducing the size of the private amenity space to the rear. The small area of frontage to both dwellings was also lost.

The Applicant proposed to use facing brickwork and render on the converted and extended office building with slate on the front facing roof slope. A glass canopy was proposed over the first floor balcony on the rear elevation and the Applicant proposed to use Gault Blend facing brickwork on the two dwellings with a slate roof.

Illustrations were displayed at the meeting which depicted the application site, an aerial view of the site, the proposed amendments, the revised layout and the street scene from St Mary's Street.

The Committee was reminded that the main considerations in the determination of this application were as follows:

- Impact on visual amenity and the character and appearance of the Conservation Area and on the setting of nearby listed buildings;
- Impact on residential amenity; and
- Highway safety.

The Planning Officer said that, with regard to the impact on visual amenity, the main concern was the mock Georgian facade. It would create a visually dominant building which paid no regard to the context in which it currently sat. In terms of the impact on residential amenity, there was the potential for overlooking and the loss of visual amenity. Officers were satisfied that there was sufficient separation between the main buildings and numbers 41 – 43 St Mary's Street

The Local Highways Authority had commented that due to the on-street parking controls in the immediate vicinity of the proposal there were no concerns about the impact on the public highway. However, with the tight built form and amendments to the car parking layout, the need to reverse a

significant distance to get out of some of the spaces might introduce a level of noise disturbance.

The Planning Officer stated that the Applicant had approached the Council prior to submission of his application with details of the proposal. He was advised that, in general terms, the scheme was unlikely to be supported for the reasons set out in this report. The Applicant did not engage in the formal pre-application advice process, but had he done so, he would have been made aware of the issues that had arisen and that Officers would have been supportive of further improvements.

At the invitation of the Chairman, Mr Michael Hendry, agent for the Applicant, addressed the Committee in support of the application. He was accompanied by Mr Gary Denley, the architect of the scheme, who would answer questions.

Mr Hendry made the following points:

- The proposal would improve the appearance of the Conservation Area and have a minor positive impact on the setting of the scheduled and unscheduled heritage assets;
- The existing building looked worn and tired and did not make a positive contribution to the street scene;
- Neither the Local Highways Authority nor the Parish Council had raised any objections;
- The impact of the development on the views of the Cathedral would be limited;
- The issue of fenestration could be secured by condition;
- The external lift would be essential for those with limited mobility;
- There would be one car parking space per dwelling, and there was no evidence to suggest that reduced parking on the site would cause problems;
- The existing 8' 6" high boundary wall would provide significant screening;
- Frosted glass could address the issue of overlooking from the upper terrace on the west elevation;
- This application would have no greater impact than the previous one and it would be an efficient use of the site.

Mr Hendry concluded by expressing the hope that the Committee would be minded to support the application. He then responded to comments and questions from Members.

Councillor Hunt asked Mr Hendry to confirm that, if required, he would be open to conditions to change the pitch of the roof, fenestration on the top floor, and additional render to the top floor. Mr Hendry said he would be open regarding materials and the fenestration, but he was not so sure about the pitch.

Councillor Rouse enquired how the architect had arrived at the design, as the mix of dormer windows seemed strange; he wondered whether the scheme was the original concept, or if it had changed as part of the process of discussion. Mr Denley replied that he had inherited the scheme but had given it some individualism.

Councillor Friend-Smith thought the current building to be an eyesore and an insult to the Conservation Area. He believed that any final improvements should be lasting and asked if the insulation would be improved beyond current requirements. Mr Denley confirmed that it would; the materials would be longer lasting.

Councillor Stevens asked if the irregularity of the windows had been arrived at as a matter of aesthetics or the functions of the rooms. Mr Hendry replied that the proportions of the windows at the front picked up on the rhythm of the predominantly Georgian facades in St Mary's Street, but this could be amended. With regard to the dormer windows, he would be happy to look at this.

Councillor Wilson said that given that VAT was not payable on new builds, he was surprised that the Applicant had not knocked down the old building and started again. Mr Hendry responded by saying that there was a value to the existing building and in terms of sustainability, it would be better to use the existing building; economics had driven this.

At the invitation of the Chairman, Councillor Anna Bailey, County Council Member for the Ely South & West Division, spoke in support of the application and provided the Committee with handouts to accompany her remarks; she made the following comments:

- The primary reason for the proposal was to make a vast improvement to a building that was detrimental to the street scene;
- The Applicant cared very deeply about Ely and wanted to enhance the area;
- The existing building was very ugly and there would be only one chance to improve it;
- She was surprised that neither the Conservation Officer nor the Case Officer had referenced the Ely Conservation Area Supplementary Planning Document (SPD) or Local Plan because there was very specific advice for this area of Ely;
- It had already been recognised that the existing building was ugly and the proposed scheme was supported by the Ely Society.
- Councillor Richard Hobbs, Ward Member for Ely East, was in favour of the scheme. The City of Ely Council, English Heritage and the Highways Authority had not expressed any concerns;
- The issue of the blocking of views of the Cathedral had been overstated - the view would not be obscured by the proposed roofline;

- The two cottages had been moved to facilitate the car parking, and the external lift would be very important;
- This proposal would have no greater impact on residential amenity because there were already a number of three storey buildings, and also a number of buildings with dormer windows in this area;
- The scheme proposed a particularly high standard of materials to be used;
- There would be one car parking space per dwelling;
- The lift would be compliant with Policy EN2.

Councillor Bailey concluded by reiterating that this was a once in a lifetime chance to improve an ugly building. The Applicant had worked with Officers and this high quality scheme was needed to enhance St Mary's Street; the application should be approved.

Councillor Rouse said he had a number of points to make. Addressing the Conservation Officer, he said that he felt she was pushing the point a little with her comments regarding the spire of St Mary's Church. With regard to the existing building, it was built in the 1960's and this was an era notorious for flat roofs. He drew attention to her remark that the existing building had a relatively "neutral impact" on the conservation area, saying that the old SPD had found it to be unsympathetic.

Councillor Rouse felt that all of the views expressed were, to a degree, subjective. It was his opinion that the existing building was thoroughly ugly and he questioned some of the statements contained within the report.

In response to a question from Councillor Brown, the Chairman said that conditions could be imposed as long as they were reasonable.

Referring to paragraph 7.4.3 of the Officer's report, Councillor Beckett said he thought the fact that the Applicant did not engage in the formal pre-application advice process was irrelevant because the architect would have had access to all the planning documents.

Councillor Hunt next addressed the Committee. He was, he said, very familiar with the site, which had been built in the 1960's. The building had been highlighted in the conservation report and was in need of a change. The Applicant already had permission for six flats and two houses and the lift would open up the potential of the development with it being so close to the city centre. He questioned the Officer's report regarding the views of the street scene because English Heritage had raised no concerns. He could not see the problem with dwarf walls when there was already one at Waddington Terrace. Highways, and Waste Strategy did not have a problem with the proposal, the Ely Society had said that the proposal represented an improved facade, and Councillor Hobbs was in favour of the scheme.

Councillor Hunt continued, saying that even if the Conservation Officer had said that the scheme had little merit, there were many three storey buildings nearby. He also said he was not comfortable with some of the wording in the Officer's report, particularly the reference to a "stuck on facade". To him, this term seemed prejudicial because it would not be an original Georgian facade. He was happy with the application if the Applicant would accept conditions and he recommended it for approval.

The Chairman reiterated that if Members were minded to go against the Officer's recommendation, they would need to justify why they had a difference of opinion.

Councillor Stevens, picking up on the point about the mock Georgian facade, said he had not thought many people would think it was actually Georgian. He was not worried by the irregular windows, in fact he thought they looked rather pleasant. With regard to the approach along St Mary's Street and the obstruction of the view of the Cathedral, this would only be for a very short period of time, and besides which, one would not expect the view to be constant. He believed the application to be a very good attempt at improving the street scene and it was a very commendable proposal.

Councillor Beckett considered the proposal to be a vast improvement in comparison to the existing building. This was a 2015 building, and the people moving into it would be able to see what they were getting beforehand. He did not think there would be an issue with car parking and mentioned other places in the District where similar difficulties had been overcome. He duly proposed that the Officer's recommendation for refusal be overturned, and the application be granted planning permission.

Councillor Rouse seconded the motion, saying that it would allow the renovation of a poor quality building, it was felt that there would be no significant detrimental impact on the street scene in St Mary's Street, and the provision of one parking space per dwelling was sufficient because of the close proximity of the city centre.

Councillor Friend-Smith cautioned that if the developers were prepared to adapt the proposal, then the Committee should be careful about rejecting the Officer's recommendation without good reasons. He felt that there could be a compromise: a pathway for pedestrians might be incorporated into the entranceway and fenestration could be resolved. He said he was not 100% easy with rejecting the Officer's recommendation and he wanted there to be the best possible replacement.

Councillor Beckett said he was content to propose approval of the scheme for the reasons already stated by Councillor Rouse, and furthermore, he did not believe that there would be a significant detrimental impact on residential amenity. The agent had spoken of the 8' 6" wall which would provide shielding, there was a lack of living accommodation windows facing neighbours, and the west elevation windows could be frosted.

Having been proposed and seconded, the motion to grant approval for the scheme was put to the vote and declared carried, there being 10 votes for and 1 vote against.

It was resolved:

That planning application reference 14/01403/FUL be APPROVED, subject to conditions imposed on the previous permissions for the following reasons:

- 1) The proposal will allow the renovation of a poor quality building;
- 2) Members feel that there will be no significant detrimental impact on the street scene in St Mary's Street;
- 3) The provision of one car parking space per dwelling is sufficient, given the proximity of the proposal to the city centre.
- 4) There would not be a significant effect on residential amenity due to the high boundary wall, the lack of living accommodation facing towards neighbours and the obscure glazing within the proposals. In addition, the purchasers of the flats would be aware of the relationship.

89. **14/00986/OUT – LAND EAST OF 5 BARWAY**

Lesley Westcott, Planning Officer, presented a report (P205), which provided Members with an application for outline planning permission for the erection of four detached dwellings and associated works, with all matters reserved apart from access. An indicative layout plan showing details of layout and landscaping had been submitted as part of the application, together with an Ecology Report.

Tabled at the meeting was an email which supported approval of the application:

“... I am a resident of the village and live with my husband and 2 young children. We love living here. It is generally quiet and very friendly – a great place to bring up children. We have no objection to the proposed new houses. There is a real need for decent sized homes with generous gardens which you just cannot get in Soham or Ely. It is in locations like this where this sort of development should be allowed. It fits in with the pattern and character of development in the village. Anything more dense would not be appropriate for this rural location. There is a great new school on the edge of Soham now and there is a lovely cycle route along the river to Ely which is great for running and cycling and is well used.

I hope Members can support this application despite the officer recommendation ...”

Illustrations were displayed at the meeting which depicted the application site, an aerial view of the site and the proposal.

The Planning Officer reminded Members that the main considerations in determining this application were:

- The principle of development and planning policy;
- Affordable Housing
- Residential amenity and visual amenity;
- Highways; and
- Archaeology, ecology and flood risk and drainage.

It was noted that Section 38(6) of the Planning & Compulsory Purchase Act 2004 required that planning applications were determined in accordance with the Development Plan unless material considerations indicated otherwise.

The proposal was outside the designated development limits for Barway, on land designated as countryside, where Core Strategy Plan policy placed a strict control over new residential development. The development did not fall within any of the identified exceptions, and as such, the proposal was in direct conflict with policies CS1 and CS” of the Core Strategy.

Policy BAR2 of the draft Local Plan was of particular relevance to the proposal, as it set out a housing allocation for five dwellings. The development envelope for Barway was also extended in the draft Local Plan to take account of this allocation.

The Planning Officer stated that policy BAR2 sat within the Barway Village Vision, which was developed through a community approach. It saw 41% of the households of Barway engage in the “options” consultation and 73.7% of the respondents supported the allocation of approximately five dwellings. Given the high level of local engagement and the advanced stage of the draft Local Plan, it was considered that this emerging policy could be given considerable weight.

However, the proposed development was contrary to the allocation in terms of its size, location and density and there were no material planning considerations that would justify setting aside planning policy. The density of the proposed scheme was 3.25 dwellings per hectare, which was significantly lower than the density of 16 dwellings per hectare identified for the housing allocation BAR2. The failure to make best use of land would also result in a failure to provide a mix of housing, including affordable housing.

In terms of residential amenity, it was considered that given the separation between the neighbouring dwelling and the proposed development, an acceptable relationship could be achieved in principle subject to reserved matters details relating to layout, scale and appearance.

With regard to visual amenity, it was noted that Highways had raised a holding objection to the application unless the Applicant could show vehicular visibility splays of 215 metres at a setback from the edge of the carriageway of 2.4 metres on the submitted drawings. No amended plans had been submitted by the Applicant's agent.

At the invitation of the Chairman, Mr Andrew Fleet, agent for the Applicant, addressed the Committee in support of the application, and made the following remarks:

- The Applicant was a member of a successful local family which has owned the land since the 1980's;
- It would be important to be able to house the full spectrum of the housing population, youngsters as well as company directors;
- The site was remote and a higher density would not be appropriate;
- The proposal was for 4 plots, each being three quarters of an acre in size;
- He was sure that all Members wished East Cambridgeshire to prosper;
- With regard to the comments made by highways, the visibility splays were not achievable. Planning application reference E888/89 went to Committee on 25th October 1989 and was given consent for 12 dwellings. At that time Highways made no reference to visibility and only improvements to the width of the carriageway were requested. There had been no change in the visibility requirements since then;
- A consultant had already been appointed to carry out a speed check and this would be conducted over a couple of days.

At the invitation of the Chairman, Councillor Michael Allan, District Member for the Fordham Villages, addressed the Committee. He said that when he saw the agenda, he felt he had to come and express his opinion because a similar situation was happening on his doorstep. In Burwell, developers were building big houses with big gardens; people said they would never sell them and yet all had been sold. In Swaffham Prior the same thing was happening. He felt that big houses were needed because business was needed in the District. There had to be houses suitable for company directors as they could not be expected to live in two bedroomed semi's. Big houses and business went together.

The Chairman noted that Mr Fleet had made reference to planning history and as this was not shown in the Officer's report, he sought clarification. The Planning Officer said it was an old permission on the same site for 12 dwellings, but policy had changed substantially since then. Mrs Mills, Senior Planning Officer, interjected to say that the history was not automatically pulled through.

Councillor Stevens made reference to the high response rate to the Village Vision consultation, saying that Barway, as a community, had not been given the opportunity to comment on the application. Mrs Mills disagreed, saying that there had been some local engagement. The Authority would have followed regulations; adjacent dwellings would have been sent a letter and planning notices would have been displayed.

Councillor Wilson commented that with 41% of the households in Barway engaging in the “options” consultation, it was clear that local people had been consulted and the village envelope had been extended with the addition of extra houses. He felt that to put houses outside the new envelope would be driving a “coach and horses” through the Authority’s policy. There was a policy for houses in the open countryside, the exceptions should be followed, and if this application was granted permission then the countryside and policies could not be protected. The Officer’s recommendation for refusal should be supported.

Councillor Friend-Smith agreed with Councillor Wilson. He said the reason for having an affordable housing policy was to defend those who would not otherwise have a chance of owning their own homes. The policy was there to be defended, and Members should do so.

Councillor Brown disagreed, saying that he concurred with the comments made by Councillor Allan regarding an appropriate density, and he therefore believed that the Committee should go against the Officer’s recommendation.

The Chairman said he understood the point about affordable housing, but he questioned whether Barway was a sustainable location. Councillor Rouse concurred, adding that the problem with the scheme was that there was little scope in the emerging Local Plan for large houses on large plots. However, it would not be appropriate to put 16 – 20 house on the site. The Local Planning Authority was usually concerned with overdevelopment, but this proposal was a paradox in that the issue was underdevelopment. It would not be possible to get a large plot for a large house in Ely; this scheme was a one off.

Councillor Hunt commented that the people of Barway welcomed this proposal and therefore weight should be given to their views. He believed that the “John Prescott” vision of crowded development was not appropriate in this case. In connection with the Highways issues, the road in question was tiny not Spaghetti Junction, and there should be flexibility regarding the visibility splays. Members should be encouraging business into the District, and he thought it could be agreed that this proposal was an exception.

Councillor Ambrose Smith wished to know if the proposed buildings would ever be used for business start up purposes. The Planning Officer reminded him that this was only an outline application, so at present there were no supporting documents. The Chairman asked if there would be any

reason to prohibit their use for business and the Planning Officer said they could be used as small scale business units.

Councillor Beckett stated that East Cambridgeshire was a very desirable place to live, and having people living in big houses could help the community. Barway was quite close to the Lancaster Way Business Park and there was room to expand there. He said that if he was looking for somewhere, he would like it to be close to his business. The matter of large houses had not been raised in the Local Plan, and Barway had looked at land for smaller dwellings. The stop lines were there to stop the development of estates of 2/3 bedroom houses, and this did need to be limited. However, He believed that this proposal had a lot going for it.

Councillor Stevens made the point that although Barway was out of the way, it did have major employment. He thought there should be a policy enabling people to live close to where they worked, and he said that this location should not be written off.

Councillor Wilson expressed the opinion that granting planning permission would stop Community Land Trusts coming forward and it would set a precedent. It would give out the message that policy could be overruled to allow people to go ahead and build big houses. Many years had been spent developing the Local Plan, and developers would use this as a way to drive through the Plan. This was unacceptable to the residents of Witchford and the Planning Committee.

It was duly proposed by Councillor Friend-Smith and seconded by Councillor Wilson that the Officer's recommendation for refusal be accepted.

The Planning Manager said she wished to express caution in Members coming to a decision. Much work had been carried out on the Local Plan, and Strategic Market Housing Assessment had not shown a need for large houses. It was her view that this would undermine the Plan, and if Members were minded to go against the Officer's recommendation, they would need to put forward very convincing and strong reasons for doing so. The starting point was the Plan, and they should think very carefully.

Councillor Friend-Smith asked for a recorded vote to be taken, the results of which were as follows:

FOR: (3 votes) – Councillors Friend-Smith, Stevens, and Wilson;

AGAINST: (8 votes) – Councillors Ambrose Smith, Beckett, Brown, Edwards, Every, Hunt, Rouse, and Schumann.

ABSTENTIONS: (0) - none

The motion was duly declared lost.

It was proposed by Councillor Rouse and seconded by Councillor Beckett that the Officer's recommendation for refusal be overturned, and that the application be granted permission for the following reasons:

- Members felt that the proposal was an appropriate density for a rural location;
- The issues raised by the Local Highways Authority can be conditioned, if necessary;
- This was a suitable scheme for a rural location; and
- The scheme was in keeping with Barway's linear development.

The Planning Manager would be given delegated authority to impose suitable conditions.

When put to the vote, the motion was declared carried, there being 8 votes for and 3 votes against. Whereupon,

It was resolved:

That planning application reference 14/00986/OUT, subject to advertisement as a departure, be APPROVED and that appropriate conditions be delegated to the Planning Manager for the following reasons:

- 1) Members feel that the proposal is an appropriate density for a rural location;
- 2) The issues raised by the Local Highways Authority can be conditioned, if necessary;
- 3) This is a suitable scheme for a rural location;
- 4) The scheme is in keeping with Barway's linear development.

The Chairman announced that there would be a comfort break between 4.15pm and 4.20pm.

90. **14/01264/FUM – LAND ADJACENT TO 37 ST JOHN'S AVENUE, NEWMARKET**

Rebecca Saunt, Senior Planning Officer, referred Members to the paper tabled at the meeting which detailed a number of housekeeping issues relating to the application,

It was noted that there was to be an additional condition:

“Prior to the occupation of the dwellings a scheme for external lighting shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy EN2 of the East Cambridgeshire Core Strategy 2009 and policy ENV2 of the draft Local Plan Pre-Submission Version (as modified)."

Members were also asked to note an amended Condition No 18:

"Any tree or shrub removal shall be undertaken outside of the bird breeding season of 1st March to 31st August in any calendar year. If clearance works must occur within bird breeding season then any vegetation targeted for clearance must first be surveyed by an ornithologist and clearance works would only be permissible if the survey reveals no active bird's nests within the relevant vegetation."

The Planning Officer said she had received a number of comments after her Committee report had been written. The Parish Council had no objections to the deletion of railings and change to the width of the footway. It did wish the developers to install new fencing around the children's play area, preferably at least 6 feet high and PENFOLD style chain links. This was as recommended by the local Police as a security matter.

Three further letters of objection had been received from neighbours, bringing the total number of letters received to 44 and a letter written on behalf of the governing body of the Ditton Lodge First School raised a number of concerns relating to parking and highway safety.

The Planning Officer presented a report (P206), which provided details of an application seeking permission for the construction of 21 affordable dwellings situated within a cul de sac, consisting of four 1 bed bungalows, twelve 2 bed houses, four 3 bed houses and one 4 bed house. A new access onto St John's Avenue (which would be to an adoptable standard) would be constructed to enable access to the site, alongside associated external works and parking.

Illustrations were displayed at the meeting which depicted the application site, an aerial view of the site, the proposal, and the proposed street scene.

The dwellings to the front of the site would face St John's Avenue, continuing the existing street elevation from No 37 St John's Avenue before turning into the site. The parking for these properties were in the main served from the proposed rear parking area, which then opened up onto the area of public open space proposed. The public open space backed onto 1 – 7 Kings Drive. The remainder of the dwellings were arranged around and fronting onto the new access road, with on plot parking, with plot 13 being a detached dwelling providing a focal end to the proposed new access. All dwellings would have two parking spaces, except the bungalows, which would have one parking space per dwelling and two shared visitor spaces. This scheme also proposed four off road drop off bays for use by the community in addition to the already mentioned provision.

The Planning Officer reminded the Committee that the key issues for consideration in the determination of this application were:

- Principle of development;
- Residential amenity;
- Visual amenity;
- Historic environment;
- Highways;
- Ecology;
- Affordable housing; and
- Public open space.

It was noted that the site was within the development envelope at the southern end of Newmarket, to the east of St John's Avenue between Kings Drive and the allotments run by the Newmarket Allotment Association, close to the boundary with Forest Heath District Council. The site was overgrown and undeveloped, having last been used in 1999, and did not contribute to the area in visual terms.

In terms of residential amenity, it was considered that due to the layout of the proposed site and the siting of the dwellings and their design, the proposed development would not be overbearing or create an unacceptable level of overlooking of existing neighbouring properties or the proposed dwellings.

With regard to visual amenity, the design of the proposed dwellings did not replicate those of the dwellings found within the vicinity, but it did take reference by incorporating elements such as pitched roofs. It was considered that a modern design approach should be supported in this location as it was important to ensure that not all new developments replicated previous designs.

Moving on to highways matters, the Planning Officer said that concerns had initially been raised by the Highways Authority in relation to the width of the footway and the dimensions of the driveways. Amended plans were submitted by the Applicant to overcome these initial concerns and further comments had been received stating that they welcomed the proposed widening of the footways to 1.8 metres. Given the size and nature of the development, the Highways Authority would seek to adopt the proposal as highway maintainable at the public expense.

The main concerns raised by residents related to existing issues with parking and road safety generated by the school which was situated opposite the site. The Planning Officer reiterated that the proposed development could not be held accountable for an existing issue.

Local residents had raised concerns about the proposed lay-by positioned to the front of plots 16 – 21, and how this would be enforced to ensure that residents of the proposed dwellings did not park in these spaces all the time. Flagship had advised that they would be happy to include a

clause within the tenancy agreement stating that the tenants were not permitted to use the lay-by parking spaces as they were for visitors to the development and the neighbouring school.

There had been a number of comments from neighbours and discussions with Ditton Lodge Primary School regarding the busiest times for dropping off and collecting pupils. In order to protect the safety of the children and parents it was recommended that a condition restricting deliveries during these peak times should be attached to any decision issued by the Local Planning Authority.

The Development & Enabling Officer informed the Committee that the property types and size mix was suitable to meet the local need identified by the Common Housing register and the Strategic Housing Market Assessment. Fifteen of the properties would be rented and the other six would be for shared ownership; a number of people had a local connection to both East Cambridgeshire and the Forest Heath District.

In response to a question from Councillor Brown, the Planning Officer said that the local connection could be conditioned as part of the S106 Agreement. The Development & Enabling Officer added that he had looked at the applicants who wanted housing in Newmarket and had a connection to ECDC or FHDC, and most were connected through working in the horse industry.

Councillor Every suggested that the conditions in the S106 might be used to address the issue of congestion, but she was reminded that Highways had not raised this as an issue and therefore it would be unreasonable to ask the developer to accept this.

In respect of traffic management, Councillor Ambrose Smith said that yellow lines had been put down in areas of Littleport at no cost to the Council, and this might be a solution for the problems with congestion near the Ditton Lodge School.

Following on from this, Councillor Hunt asked what sanctions could be applied if the residents parked in the lay-by and Councillor Brown said the provision of the lay-by worried him. He recalled going on a tour of exemplar developments in the District, and in particular, visiting Myrtle Close in Burwell. There was a lay-by there and a condition had been included in the tenancy agreements about parking. However, every time a notice was put up somebody took it down, making enforcement totally impossible. He did not see that this development would be any different and said that he could not support the application.

Councillor Hunt believed that the proposal would make matters worse. Even the County Council thought that residents would use the lay-by and overloading would put the safety of the school children at risk. He did not think that 21 houses were necessary, whereas if the scheme came back with

only 14 dwellings and a drop off area, Members might be more likely to grant permission.

Councillor Beckett said that while he was in favour of the affordable housing, he thought the school had been very slack in not looking at measures to reduce the risk to its pupils. He believed that things could be done in a better way to safeguard the children and that having the development opposite the school was wrong.

The Chairman interjected to remind Members that they had to consider what was in front of them. If the Committee was considering going against the Officer's recommendation, Members must be very clear about the traffic problems being exacerbated by the development.

Councillor Friend-Smith declared that he was very disappointed by the unhelpful attitude of the Local Highways Authority. It would be negligent to allow motorists to set down on the wrong side of the road, and the area needed a crossing. He said he strongly sympathised with people's views and hoped that if the application came back to Committee, it would contain some sensible measures and conditions.

The Chairman reiterated that Highways had made their response to this application, and the proposed development would not compound the existing issue.

Councillor Wilson agreed that if the lay-by was to be used by parents then there should be a crossing. He did not think that a refusal on the grounds of traffic and parking could be sustained and if the matter went to appeal the Authority would most likely lose.

At the invitation of the Chairman, Mr Cresswell spoke in objection to the application and made the following comments:

- Members had had the opportunity to visit the site and they must have realised that it was totally unsuitable for 21 homes;
- Bearing in mind the incline of St John's Avenue, to build across from the school would present a significant traffic hazard;
- The development would result in another 30 – 40 more cars coming in and out of the site;
- He was aware of the strength of opposition to the scheme; it did not sit comfortably with the local community;
- The school had submitted its concerns;
- Flagship, having been consulted, said the dwellings would be in keeping with the existing housing, whereas the Planning Officer said they would be separate from the rest of the estate. The proposal should bring them together, not separate them.

- The building line was much closer than the existing, and this was out of keeping with Crockfords, which was open and well designed;
- If the application was approved, other residents would be able to extend
- Were Members satisfied that the change of status of the land had been confirmed ?
- With regard to highway safety, the County Council never raised objections because they had no real appreciation of the dangers.

Mr Cresswell concluded by saying that as a former Chairman of this District Council, he hoped Members would not approve an application that would result in a fatality.

Referring to the comments submitted by the school, Councillor Beckett highlighted the statement that late-arriving staff and visitors needed to park on the street, which was on a bend and on a rise, making visibility poor and exacerbating the risks of an accident. He asked if there could be negotiations with Forest Heath so that the access road could be along the allotment side, as he felt this would be a better solution. In connection with this, Councillor Rouse wondered what attempts had been made by the school to remedy the problem of their making. Mr Cresswell replied that there were only a limited number of spaces outside the school, and building directly opposite it would be a hazard.

Councillor Stevens remarked that problems elsewhere had been solved by double yellow lines and the imposition of limited waiting times. It was illegal to park where it might cause an accident, and there were other roads in the vicinity where people could park. Mr Cresswell said he was not sure about the number of staff, but they would be less than the number of cars on the proposed new development.

Councillor Wilson said that the existing problems could not be blamed unless they significantly contributed to the situation. It seemed to him to be a parking problem and something needed to happen to assist with parking outside the school. He suggested that perhaps the developer could be required to do something such as putting in a crossing with zigzags or giving cash for assistance or improvements.

Mr Cresswell said he was concerned with the issue of road safety. Bearing in mind the bend in the road and the incline, he was suggesting that to build directly opposite the school would add to the problem. Ditton Lodge was already oversubscribed, so children living on the new development would have to go to school elsewhere, and this would mean their parents having to drive in and out of the development to drop them off and pick them up.

At the invitation of the Chairman, Mr Tony Welland, agent for the Applicant, addressed the Committee in support of the application and made the following comments:

- The land had been purchased in 2004 for an affordable housing scheme and work had been underway since then regarding different design solutions;
- Previous applications had been refused on technical grounds, but at no time had the proposed use been refused on the grounds of highways safety;
- He had worked with Forest Heath and East Cambridgeshire District Councils to ensure a good mix that would complement the area;
- His client had engaged a number of times with the local community to gather views regarding the layout. They had met with the Ward Councillors to address comments made and there had been a second meeting before the planning application was submitted;
- His client had gone to great lengths to consult, and he felt the comments in the local press were unfair;
- The proposed scheme would enhance the area and the layout would minimise the impact on Kings Drive;
- Flagship was aware of the concerns regarding road safety and had consulted with Ditton Lodge about a possible solution to parking at the rear of the school; it was suggested that there be an additional four lay-bys.
- With regard to the concerns about construction, the contractors would be required to register with the Competent Persons Scheme, and local residents would be kept updated with newsletters.

Mr Welland concluded by saying that all the political parties and the local press were highlighting the need for affordable housing, and he hoped that the Committee would be minded to support the application. He then responded to comments and questions from Members.

Councillor Beckett asked if, given that 70% of the housing would be available to Forest Heath, any thought had been given to joining the roadway to the estate to the brow of the incline to improve access and make the proposal more acceptable. Mr Welland replied that he had looked at the scheme and investigated the matter, but the land was owned by Forest Heath and there was a ransom issue. In respect of the comment about putting in yellow lines, Highways had never asked for them but he could see the logic. Councillor Beckett then asked if there was any reason why the

roadway could not be moved to the left hand side of the site and Mr Welland replied that this would reduce the number of properties.

The Chairman asked Mr Welland about consultation with the head teacher and governors at the school regarding their concerns and the possibility of a solution to the parking problems. Mr Welland confirmed that consultation had taken place. The problems with parking had come about due to the success of the school, and it had been suggested that additional lay-bys be put in at the back of the school to accommodate those visiting or dropping off/picking up children.

At the invitation of the Chairman, Councillor Tom Kerby, Ward Member for Cheveley, addressed the Committee and made the following remarks:

- He was not here to oppose the development because he thought the site was ideal, but he was not happy with the design;
- He questioned whether it was the right development or design. The developer was not prepared to reduce the number of dwellings;
- Due to its success, Ditton Lodge school had had to expand, and this in turn created more traffic. With the school being oversubscribed, the children from the new development would have to be “shipped” to other schools across the villages;
- The problem with the access to the new development would exacerbate the situation as it would be used every day, including weekends;
- He had spoken to the head teacher and there was room at the back of the school for additional parking. However, this would not stop parents parking outside the school and he was concerned that any parking restrictions would move the problem on to Peterhouse Drive;
- He had also spoken to Flagship about a redesign of the scheme, and the Case Officer about the removal of the Public Open Space, as he believed they would help the design of the site. The school had been very reluctant to make any comment.
- The area needed to be developed, but it had to be the right development and of the right standard; it should not be just about numbers;
- The Authority had a responsibility to the community, and this scheme, if approved, would cause more problems;

- There should be discussions with Forest Heath about the realignment of the access roadway;
- At yesterday's meeting of the Commercial Services Committee, it had been agreed, in principle, to set up a Local Authority Trading Company. One of its advantages would be to give the Council greater control over the design and delivery of housing developments. This should be brought in so the Authority could have developments to be proud of.

Councillor Brown enquired whether there had been any discussions with Suffolk County Council being asked to pay 70% of the maintenance of the road, as they had 70% of the housing allocation. Councillor Kerby replied that this had not been discussed.

In response to a question from Councillor Stevens, the Enabling & Development Officer explained that the ECDC list for affordable housing was not for specific villages; the Council's policy was to try to find a solution for this area.

It was proposed by Councillor Ambrose Smith and seconded by Councillor Hunt that the Officer's recommendation for approval be overturned, and the application be refused for the following reasons:

- It will exacerbate congestion;
- It will put the lives of pupils, parents and staff at the school at risk; and
- Members have concerns regarding access, and the tandem parking within the site.

When put to the vote, the motion was declared carried, there being 8 votes for, 1 against, and 1 abstention. Whereupon,

It was resolved:

That planning application reference 14/01264/FUM be REFUSED for the following reasons:

- 1) It will exacerbate congestion;
- 2) It will put the lives of pupils, parents and staff at the school at risk;
- 3) Members have concerns regarding access, and the tandem parking within the site.

*Councillor Rouse left the Council Chamber and did not return to the meeting.
Councillors Ambrose Smith, Beckett, Brown and Every left the Chamber at 5.40pm and returned to the meeting at 5.43pm.*

91. **14/01429/FUL – 1 SOHAM ROAD, FORDHAM**

Lesley Westcott, Planning Officer, asked Members to note the following amendment to paragraph 7.11 of her report:

*“The proposed development will result in the loss of a small section of hedge and conifers along the front boundary of the site, a section of hedging along the boundary of the formal garden, **together with a group of trees and shrubs to the rear of the host dwelling ...**”*

The Planning Officer presented a report (P207), which provided details of an application seeking permission for the erection of a 4 bed dwelling, widening of the existing access and the erection of a double garage and driveway for both the new dwelling and the host dwelling, No 1 Soham Road (following the removal of a greenhouse and Nissen style hut).

Paragraphs 2.3 and 2.4 of the Officer’s report set out the dimensions of the proposed dwelling and garages, and it was noted that a separate drive and turning area would be provided for both the host dwelling, No 1 Soham Road, and the new dwelling and two additional parking spaces would be provided in front of both garages.

Illustrations were displayed at the meeting which depicted the application site, and the proposal.

The Planning Officer reminded the Committee that the main considerations in the determination of this application were:

- The principle of development and planning policy;
- Residential amenity;
- Visual amenity;
- Highways; and
- Ecology.

Members noted that part of the application site was located outside the development envelope of Fordham and was therefore designated as countryside, where development was severely restricted. New houses required special justification, and in this case the proposal was for market housing. It did not fall within any of the exceptions and was therefore contrary to policies CS1 and CS2 of the Core Strategy and Policy GROWTH 2 of the East Cambridgeshire Local Plan.

In terms of visual amenity, the character of this part of Fordham was residential and open countryside. The scheme sought to retain the majority of the existing boundary treatment fronting Soham Road, which would substantially screen the development from public view. The proposed dwelling would be set back from the road by 20 metres, in line with the host dwelling.

Referring to residential amenity, the Planning Officer said it was considered that there would be an acceptable relationship between the proposed dwelling and the existing residential properties. There was a distance of approximately 40 metres between the proposed dwelling and the bungalows (nos. 38 – 41 Harry Palmer Close) that backed onto the site, and this satisfied the criteria set out in the Design Supplementary Planning Document.

At the invitation of the Chairman, Ms Amy Richardson, agent for the Applicant, addressed the Committee in support of the application and made the following comments:

- The application had been recommended for refusal, but she believed there were material considerations to support the grant of planning permission;
- This application echoed one that had been approved for Jerusalem Drive, Wardy Hill, in November 2014;
- Members were requested to take a common sense approach in the consideration of this application, as the site was identical to the one at Jerusalem Drive;
- The dwelling would be screened from public view and there would be no impact on the visual amenity;
- There would be an acceptable relationship between the properties;
- The design was in keeping with this highly sustainable area;
- There had been no objections from the Parish Council, Highways or the neighbours;
- A common sense approach should be maintained.

It was noted that Councillor Allan, Ward Member for the Fordham Villages, had intended to speak on this item, but he had had to leave the meeting early. The Chairman therefore asked the Committee to note Councillor Allan's comments, as set out in paragraph 5.1 of the Officer's report, namely that although the proposal was outside the settlement boundary, the impact of one dwelling would be very low and the Parish Council had no objections.

Councillor Ambrose Smith said he was surprised that Fordham Parish Council had not raised any objections or made any comments. He thought this shameful, especially when the District Council had spent many weeks fighting for projects in Fordham and given the Parish Council so much help.

The Planning Officer reminded Members that if they were minded to go against her recommendation, the application would have to be advertised as a departure from current policy.

Councillor Beckett acknowledged that the Planning Officer had no option but to put forward a recommendation for refusal. However, there were already buildings to the north, south and east of the site, and it was in part of a residential garden. Also there were good facilities nearby. On this basis, he did not know why it should be refused.

Councillor Wilson said he was minded to support Councillor Beckett's comments; the application should be allowed.

It was duly proposed by Councillor Beckett and seconded by Councillor Wilson that the Officer's recommendation for refusal be overturned, and that the application be granted planning permission. When put to the vote, the motion for approval was carried unanimously.

It was resolved:

That planning application reference 14/01429/FUL, subject to advertisement as a departure, be APPROVED and that appropriate conditions be delegated to the Planning Manager for the following reasons:

- 1) The proposal is in a sustainable location;
- 2) Facilities, locally, are good;
- 3) The proposal is in part of a residential garden.

92. **14/01331/OUT – LAND SOUTH OF 175 TO 189 MAIN STREET, WITCHFORD**

For the benefit of all present at the meeting, Melissa Reynolds, Senior Planning Officer, North Ely, stated that the application site was owned by East Cambridgeshire District Council.

The Senior Planning Officer presented a report (P208), which provided details of an application seeking permission for the principle of five market dwellings on the site. All matters were to be reserved, however it was anticipated that access from the public highway would be via Barton Close, to the west of the site. An indicative layout, for information only, had been submitted with the application.

With regard to the planning history, it was noted that planning application reference 12/01137/FUM (construction of 16 new dwellings for affordable housing including new access road) was pending, with approval recommended.

Illustrations were displayed at the meeting which depicted the application site, an aerial photograph indicating the access points, an

indicative site layout plan (for information only) and the layout proposed under the previous application reference 12/01137/FUM.

The Senior Planning Officer reminded the Committee that the main considerations in determining this application were:

- Outline with all matters reserved;
- Best use of land;
- Housing – mix of types and sizes, affordable housing;
- Other matters: landscape, biodiversity, flood risk and drainage, pollution, archaeology, highways and residential amenity.

The application was contrary to Policies H2 and HOU2, which encouraged densities that were appropriate to a site. The gross housing density for this development was 13 dwellings per hectare. Density in the area was low – medium, but it was considered that in the context of Ward Way and the existence of acceptable proposals for a larger scheme of 16 dwellings on the site, this density would not make best use of the land. The agent and Applicant had put forward counter views, but they were not considered to be sufficient to outweigh adopted and emerging planning policy.

The failure to make best use of this land would curb the opportunity to provide a mix of housing types/sizes and to deliver affordable housing on this site. This was contrary to the aims of the National Planning Policy Framework and Local Plan policy, which sought to deliver a wide choice of high quality homes; the application was therefore recommended for refusal.

The Senior Planning Officer reiterated that all other matters could be addressed by means of planning conditions or through details required to be submitted at the reserved matters stage, and therefore did not form reasons for refusal in the recommendation.

At the invitation of the Chairman, Mr Philip Kratz, agent for the Applicant, addressed the Committee in support of the application and made the following remarks:

- The application concerned a site that he was familiar with. He had been involved in the 1989 application and there had never been resolution of the issues with drainage;
- This proposal demonstrated the difficulties in overcoming the constraints and complied with strategy;
- Members had to give weight to the current Local Plan and densities had been dropped to 30 dwellings per hectare;

- Now, in the National Planning Policy Framework, it was up to each Council to judge on a site by site basis;
- The densities for Main Street and Barton Close were of their time;
- This scheme reflected the overall density of the area, and it was a lower density because it ticked all the boxes;
- More land was needed to overcome the drainage difficulties;
- This was the only way to bring forward the site for development with the most appropriate site density and limiting the floor space to 1,000 square metres.

Councillor Beckett asked Mr Kratz to clarify the position regarding drainage. He queried whether he was saying that with 16 dwellings on the plot, suitable drainage could not be achieved. Mr Kratz replied that 26 years had been spent trying to resolve the problems, but they were so difficult as to be impracticable.

Councillor Ambrose Smith, referring to the representation from the residents of 177 Main Street, asked if 6' high fencing would be provided to help address their loss of privacy. Mr Kratz replied that 2 metres high close boarded fencing would most likely be erected.

Councillor Stevens, having noted that the two estates shared an access driveway, asked how residents would present their waste for collection. Mr Kratz said that this was something to be discussed at the reserved matters stage. If the road was adopted, the collection vehicles would enter and pick up from the roadside. If not, the vehicles would not enter private property and residents would have to bring their refuse out to a collection point. The access to the site was all well within the spatial standards required.

Councillor Hunt wished to know when the development would be completed and delivered, should planning permission be granted. Mr Kratz responded by saying that he could not give an exact date, but the Applicant was "chomping at the bit" and would wish this to be as soon as possible.

At the invitation of the Chairman, Councillor Ian Allen, a Ward Member for Haddenham, spoke in opposition to the application and made the following comments:

- He asked whether any of the Members needed to declare an interest? (The Chairman advised him that the full Committee had done so at the beginning of the meeting);
- The residents did not object to 16 houses but they did have concerns regarding the rainwater run-off;

- The consultees said there was adequate provision which could be provided within the envelope site;
- The “glass walls” between the Council’s corporate and planning functions should remain;
- The application was not acceptable because the density should be higher;
- The plot coverage at Main Street had resulted in long and useless gardens;
- High density would be the best use of land and would fulfil policy;
- Members should exercise their decision with caution, as a new application might better meet the needs of the community.

Councillor Allen concluded by asking Members to refuse planning permission and ask for a new application because a higher density was needed on this site.

Councillor Friend-Smith asked for clarification of the term “pending approval” and the Senior Planning Officer explained that a decision notice had yet to be issued. The Principal Solicitor confirmed that this was because the sale of the land had fallen through so the required S106 legal agreement had not been completed.

Councillor Wilson said that, on the grounds of consistency, he did not think Members could object to the proposal because it had too few houses. He would have preferred to have 16 affordable homes, but permission had just been granted to the Barway application, and these five large houses would be nearer to the Lancaster Way Business Park than Barway.

Councillor Hunt commented that he was aware of the drainage issues and the impact of the development on the residents of Barton Close would be less if there were only five dwellings. This site was close to one of the District’s largest employers and it would be important to have houses suitable for employers nearby. Proposals were meant to be considered on a site by site basis, and he believed this one would be less of an amenity intrusion into Ward Way.

Councillor Beckett agreed with Councillor Wilson’s comments. He too would have liked to see a higher density, but noted that the applicant had said that because of the drainage problems, this was not possible. The lower density would mean fewer traffic movements for Barton Close.

The Senior Planning Officer cautioned Members not to make assumptions about the scheme. The Applicant had not said he could not apply an alternative drainage option, but that it would be more expensive.

Although there were no details at present, a drainage strategy would be proposed, so it seemed that there could be an acceptable solution.

The Chairman queried whether a higher quality/level of drainage would reduce the need for affordable housing and the Senior Planning Officer replied that she was unable to give an answer as a detailed drainage scheme had not been provided at this stage.

It was proposed by the Chairman, Councillor Schumann, and seconded by Councillor Ambrose Smith that the Officer's recommendation for refusal be overturned and that the application be approved.

It was noted that the Planning Manager would be given delegated authority, in consultation with the Chairman of the Planning Committee, to impose suitable conditions.

When put to the vote, the motion was declared carried, there being 8 votes for, 1 vote against and 1 abstention. Whereupon,

It was resolved:

That planning application reference 14/01331/OUT be APPROVED, and that appropriate conditions be delegated to the Planning Manager in consultation with the Chairman of Planning Committee for the following reasons:

- 1) The density is not contrary to policy;
- 2) The constraints of the land;
- 3) The proposal is in keeping with adjacent densities.

The meeting closed at 6.30pm.