



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee
held in the Council Chamber, The Grange, Nutholt Lane
Ely on Wednesday, 5th August 2015 at 2.02pm

P R E S E N T

Councillor Mike Rouse (Vice Chairman in the Chair)
Councillor Sue Austen
Councillor Derrick Beckett
Councillor Paul Cox
Councillor Lavinia Edwards
Councillor Neil Hitchin
Councillor Bill Hunt (Substitute for Councillor Ian Bovingdon)
Councillor Lisa Stubbs

OFFICERS

Julie Barrow – Planning Officer
Jo Brooks – Director, Regulatory Services
Victoria Jempson – Legal Advisor
Janis Murfet – Democratic Services Officer
Jon Pavey-Smith – Planning Officer
Andrew Phillips – Senior Planning Officer
Rebecca Saunt – Senior Planning Officer
Sue Wheatley – Planning Manager

ALSO IN ATTENDANCE

Councillor Allen Alderson
Councillor Anna Bailey
Councillor Coralie Green
Councillor Richard Hobbs
14 members of the public attended the meeting.

19. **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Ian Bovingdon, David Chaplin, Tom Hunt and Joshua Schumann (Chairman).

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

20. **DECLARATIONS OF INTEREST**

Upon invitation from the Chairman for declarations, Councillor Hunt addressed the Committee and others. He stated that he felt he had a personal interest and wished to declare that but he had received a firm and strong warning from the Legal Advisor that it was a prejudicial interest and that members of the public may think that it would satisfy (the test).

He further reiterated that he was only declaring a prejudicial interest on the basis of firm and unequivocal advice given to him "10 minutes ago".

21. **MINUTES**

It was resolved:

That the minutes of the Planning Committee meetings held on 10th June and 30th June 2015 be confirmed as a correct record and signed by the Chairman.

22. **CHAIRMAN'S ANNOUNCEMENTS**

- The Chairman welcomed Ruth Gunton, Planning Officer, and Ollie Haydon, Planning Assistant, to their first meeting of the Planning Committee.

23. **15/00427/FUM – SITE SOUTH WEST OF THE POTTER GROUP, QUEEN ADELAIDE WAY, ELY.**

Rebecca Saunt, Senior Planning Officer, presented a report (Q53, previously circulated) which provided details of an application seeking permission for a pellet production plant.

Tabled at the meeting were two documents: a letter from Cambridgeshire County Council regarding the safeguarding of the Queen Adelaide Transport Zone, and a revised list of draft planning conditions.

It was noted that the purpose of the facility was to process straw derived from local sources and turn it into a pelletised form that could be taken off site by rail to be used as a fuel to generate renewable energy. The main straw processing would take place in an industrial type building which would house the majority of the plant. Two pellet storage silos would be located on the northern elevation of the building and a separate rail loading silo and housing would be located over the existing railway siding. A rejected straw building and high voltage building would be located on site to the north east of the main building. The site would be secured by 2.4 metre high palisade fencing which would sit outside an existing earth bund that runs

along the east and southern boundaries. A fence would not be located adjacent to the railway line, given the need to access the railway line. The site would be secured by a 2.4 metre high lockable gate located at the vehicular access point near to the silo.

Illustrations were displayed at the meeting which included a map of the application site, an aerial photograph of the area, an illustrative of the proposal and site layout, illustrations of the proposed elevations, floor plan, railway silo and 3D visuals.

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

- Principle of development;
- Residential amenity;
- Visual amenity;
- Historic environment;
- Highways;
- Ecology;
- Flood risk and drainage;
- Other material matters – EIA, Network Rail, Public Footpath.

Members noted that the application site was located on brownfield land and it had previously been used as a container handling terminal; before that it was part of the historical sugar beet works. It lay adjacent to an existing railway siding and was flanked by Ely Pits and Meadows Site of Special Scientific Interest (SSSI) to the east and southern boundaries, with the SSSI continuing beyond the railway line on the western boundary. The southern boundary abutted a water body, and to the west of the site beyond the railway was an area of woodland and a large lake, which was part of Roswell Pits, a designated County Wildlife Site (CWS). Land beyond the railway line to the west of the site also lay within the Ely Conservation Area, the boundary of which ran adjacent to the railway line on its western edge. The nearest residential properties were located off Prickwillow Road, approximately 500 metres to the south west of the site.

The Senior Planning Officer stated that approval was granted in 1982 for the use of the site for general industry, wholesale warehousing, storage and distribution. Having looked at aerial photographs and visited the site, it was clear that it was a brownfield site. The application therefore retained an existing employment site in line with policy EMP1 of the Local Plan, which seeks to retain land or premises currently or last used for employment purposes (B1, B2 and B8).

The principle of the proposed development was acceptable and complied with the existing use of the application site, the land adjacent and the allocated site detailed in Policy ELY12 of the Local Plan.

The proposed development would contribute to the District's growth agenda by providing a contribution to the deliverable supply of employment

land for B1/2 and B8 uses, and it would also contribute to job growth in the District. The plant would create up to 24 permanent jobs and approximately 70 jobs associated with the construction works, as well as bringing economic benefits to farmers and those employed in logistics.

With regard to residential amenity, it was considered that given the distance between the site and residential properties, there would be potential impacts arising from noise and lighting. The proposed pellet plant would operate on a 24 hour basis throughout the year, but the delivery of straw would be received on a controlled basis between the hours of 06:00 – 18:00, Mondays to Saturdays.

A Noise Impact Assessment was submitted with the application and it was assessed by Environmental Health. Following the receipt of requested additional information, a site visit with the applicant and discussions, it was now understood that there would be no plant operating externally. Lorries would arrive on site, travel around the building, enter through a roller door and be unloaded within the building, and then exit through another roller door. The roller doors would remain closed only allowing ingress and egress during the specified hours, and there would be a GPS system in place to ensure there would be no queuing of vehicles.

The applicants had worked with their ecologists to try and ensure that lighting would not impact on the surrounding SSSI, which would further ensure that it did not impact on the closest residential properties. Lighting would be designed to minimise light spill from the site into the immediately adjacent area and keep the lighting low level and avoid upward illumination. It was therefore considered that the proposed lighting scheme, subject to details secured by condition, would not create an adverse impact on residential amenity.

It was recommended that a number of conditions be imposed to further protect residential amenity; these were set out in paragraph 7.17 of the Officer's report.

In terms of visual amenity, Members noted that the main buildings associated with the pellet production plant were in keeping with the scale of the existing buildings on the Potter site. However, the proposed silo was 47 metres high, and while the applicant had taken measures to try and limit visual intrusion into the landscape, it would be a prominent view. However, it would not intrude on any existing views of the Cathedral, with only a view from the north east, where the rail silo would appear in the same general field as the Cathedral.

It was reiterated that Officers considered that there would be a less than substantial harm to the significance of the Cathedral. The National Planning Policy Framework (NPPF) stated that this harm needed to be weighed against the public benefits. The benefits of the proposal included the provision of jobs, both during the construction period and the operation of the pellet plant, the retention of an existing employment site, enhancements

to the edge of the site adjacent to the SSSI, and a potential driver for further growth, in particular the allocated site ELY12.

The Senior Planning Officer stated that there were no designated heritage sites within the application site, which had been associated with industrial development since the construction of the railway line in the mid 19th century. Evidence of this was shown on the historical mapping that the applicant had submitted with the Heritage Statement. Historic England had commented on the application and recommended that it be determined in accordance with national and local policy guidance and on the basis of our specialist conservation advice. The County Archaeologist's records indicated that the site was in an area of archaeological potential, but no objection was raised, subject to a condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation. On balance it was therefore considered that the proposed scheme complied with the requirements of the Planning (Listed Buildings & Conservation Areas) Act and the policy objectives of the NPPF and the East Cambridgeshire Local Plan.

Turning next to the issue of highways, the Senior Planning Officer said that one of the key reasons for choosing the site was because of its location adjacent to the existing rail siding which could be used for sustainable transportation of the pellet product to end users. The existing vehicular access would be used and straw would be delivered to the plant by HGVs, which would travel to and from the site via the A142 Stuntney Causeway. Deliveries would be at the rate of 64 HGV trips per day, equating to 5 two way movements per hour. The pellets would be transported by rail (3 trains per week), but looking at a worst case scenario, if no rail was available there would be 7 two way movements per hour.

The Committee noted that the majority of the concerns that had been raised in relation to ecology had now been overcome, with the exception of the bittern. Natural England had advised that they were seeking advice about the issue of noise with bird experts and there were ongoing discussions with the applicant regarding mitigation that had been put forward to overcome the problem.

The Environment Agency had been consulted on the application and had raised no objections, subject to the recommendation of a condition requiring details of a scheme to dispose of foul water and surface water being secured.

It was concluded that, given the nature of the site and the surrounding existing and proposed uses and based on information submitted, an EIA was not required.

Network Rail had raised no objections, and a letter had been received from Railfuture who supported the proposal as it secured the future use of the rail sidings and network, thereby contributing to wider sustainable transportation objectives.

At the invitation of the Chairman, Liz Hunter spoke in objection to the application and made the following remarks:

- She was a Director and the Chairperson of Ely Wildspace;
- The benefits of Roswell Pits should be considered, as a peer survey had shown that as many people visited the Pits as they did the cathedral;
- This area was important to health and wellbeing;
- The NPPF allows the Local Planning Authority to protect such areas and Roswell must benefit;
- She would prefer to see the application rejected because the noise levels would be unsuitable and could have an adverse impact on the bittern;
- The local traffic could be the final straw. The applicants had mitigated the light pollution, so it should also be introduced for noise;
- The proposal would be visible from Cuckoo Bridge;
- Straw was going to the plant at Sutton, which had resulted in HGVs wending their way along unsuitable roads;
- For this proposal all vehicles would have to use Queen Adelaide Way, which local users had said was not suitable;
- The proposal was detrimental to quality of life; and
- Norwich's gain was Ely's pain.

Councillor Hunt asked Ms Hunter if she believed anything could be done to change the design of the plant to make it more acceptable. She replied that she was not an expert, but something needed to be done about the noise. The land had been bought to improve the habitat and it was very pretty. She thought that the proposal probably could be altered, but she queried at what expense.

At the invitation of the Chairman, Maureen Darrie, agent for the applicant, addressed Members in support of the application and made the following comments:

- She was a Director at CgMs Consulting and had co-ordinated all the specialist input;
- She thanked the Senior Planning Officer for a comprehensive report;
- The proposal reflected the aspirations of the adopted Local Plan;
- The application site was much noisier the last time it was in use;
- She had worked with Officers regarding the key issues;
- The site was bounded on three sides by a SSSI and a County Wildlife Site;
- Dialogue had been opened with Natural England and all issues had been addressed;

- An email had been received from Natural England regarding the mating call of the bittern and as a result, the calculations for noise levels had been revisited. They would have no impact;
- The HGV trailers would carry 26.1 tonne straw bales and there would be 2-3 deliveries per hour;
- Vehicles would enter and exit the site via the A142. This would not cause any adverse impact;
- The proposal had been carefully designed to blend into the landscape;
- The nearest residences were 500 metres away and with the mitigation of a 5 decibel reduction on predicted noise levels, this was considered to be an acceptable level of background noise;
- The scheme would bring much needed jobs and it was in accord with all the provisions of the Local Plan.

Miss Darrie then responded to comments and questions from the Committee.

Councillor Edwards enquired about the number of jobs, and Miss Darrie replied that there would be 24 permanent jobs at the plant, 70 during its construction and others associated with the farming and haulage side of business.

Councillor Beckett commented that the plans were not very detailed, and he asked if facilities would be provided for the HGV drivers. Miss Darrie said that while there would be welfare facilities, it was not planned to have anything specific for drivers as the lorries would be expected to enter the plant, discharge their load and then leave. This had been discussed with the Environmental Health Officer (EHO) and conditions agreed to ensure there would be no queuing of vehicles.

Councillor Cox asked if any calculations had been made on the decibel levels in various directions from the plant, and Miss Darrie responded that this was referred to in the Officer's report. The background survey on residential receptors was conducted using recognised methodology on a worst case scenario basis, and the result was 37 decibels (without mitigation). The EHO duly suggested a reduction of 5 decibels on the predicted noise levels and was confident that this would be sufficient.

Councillor Hunt said that on the site visit, he had asked if vehicles would use the road route at Queen Adelaide near the railway, and had been told "no" because of the low railway bridge. He therefore wished to know what route they would take from Prickwillow; would they come through Cam Drive, Kings Avenue or down Lisle Lane ? Miss Darrie replied that the lorries would be travelling from the hubs, but the location of those hubs had yet to be determined. However, due regard would be given to locations.

Councillor Hunt continued, saying that his question was specific because straw was likely to come from Littleport and Ely and would have to come through Ely to get to the plant. He thought it wrong that the Committee was being asked to approve the application without knowing where the hubs were to be situated. Miss Darrie stated that agreements would be put in place regarding the routes.

In response to a question from Councillor Stubbs, Miss Darrie said that the pellets would go to Norwich and the energy produced would go out to the National Grid. As the product became more commercial, it would be sent to biomass power station facilities. Councillor Stubbs continued, asking for an answer regarding the number of lorries involved and the amount of energy to be produced.

Miss Darrie replied that the power station at Norwich would produce 49mw of renewable energy. With regard to vehicle journeys, there would be less than 20,000 per year and the figure mentioned of 33,000 extra was an absolute worst case scenario.

At the invitation of the Chairman, Alan Brierly and Ann Sherwood, representing Wilburton Parish Council, addressed the Committee in objection to the application and they made the following comments:

- This application raised major concerns and the wider implications of HGVs had not been taken into account;
- There was already a straw burner at Sutton;
- Speaking on behalf of Aldreth and Haddenham, where were the cumulative impacts ?
- The proposal was not suitable and it raised grave concerns because there was proof that pollution levels cause damage to old buildings;
- The vehicles would travel via rural routes to get to the plant. Traffic would divert and use the A1123;
- HGVs going through the villages at night could not be accepted;
- There would be traffic movements within a 50 mile radius of the plant, with vehicles coming from as far afield as Peterborough;
- An Environmental Impact Assessment should have been required;
- The business would have to go further afield for straw;
- The farming industry would suffer;
- The hubs would be located around the county and the initial ins/outs would incur other road movements;
- Norwich wanted to burn 200 tonnes of straw pellets, not 150 tonnes;
- It did not seem to be a very full report;
- Most villages could not put up with the traffic, and it would be critical to know where the hubs were to be located.

Councillor Hunt suggested that the straw would be taken to the hubs by high speed tractor and he asked Mr Brierly and Ms Sherwood if they were aware of any problems with this mode of transportation. Ms Sherwood replied that there had been a number of reported incidents involving such vehicles; in the last week a tractor had smashed into the front of her neighbour's house causing much damage. She felt they would cause serious health problems.

The Chairman commended the Senior Planning Officer on her very full report.

Councillor Beckett asked the Senior Planning Officer if the Authority had ever received any official confirmation of there being bitterns on Roswell Pits; she replied that Natural England had advised they could be there, but were unable to specify the exact location.

Councillor Hunt said he was very concerned at what he had heard today about the hubs which were to feed into the main plant. He was worried about high speed tractors and inefficient distribution methods, as well as the 64 vehicles per day. With traffic movements coming from within a 50 mile radius, any village in the area would be at risk and if the plant started work at 6.00am, the traffic would start at 5.00am. He was disappointed at the applicant's response regarding routes, as Members were being asked to give carte blanche approval to the application.

Councillor Hunt continued, saying that the local routes were unsuitable, and it was worrying that the application included a "what if it doesn't work" scenario. The applicant had confirmed that the low bridge would not take HGVs, so vehicles would have to come through Ely. He thought it would be very naive to accept the information being given today, and he was unhappy that it was the applicant's assessment.

He noted that the City of Ely Council was concerned regarding the traffic movements through Ely; unless vehicles could go round the bypass, they would have to come through the City. He was also concerned about the traffic that would come through the Great Fen villages; the application was unsuitable and not enough thought had been given to the impact on people or the birds. In view of this he could not support the application and would vote against it.

Councillor Beckett disagreed, saying he found Councillor Hunt's views to be quite parochial. The employment site was within the District and it already had planning permission. Unlike Councillor Hunt, he did not feel that so much straw would come from the north of Ely; he felt the larger amounts were more likely to come from the south where there were better road links with the A14, A142 and the A11. The Committee would be missing an opportunity if it rejected the application because the scheme would increase industrial use and employment in the area.

Councillor Stubbs, speaking as a Ward Member for Sutton, said she was really concerned about the impact of the proposal. She served on the Parish Council's Heavy Vehicle Joint Committee and having looked at pollutants, it was considered that this would add to the problem. She had stood in Sutton High Street and concluded that the additional traffic would add to the misery and she could not support the application.

Councillor Cox acknowledged the concerns raised but said the proposal was too much of an opportunity to throw away. He thought the decision should be deferred to allow for the information lacking to be brought back to Committee, with the new bypass being factored in. However, if planning permission was to be granted, it should be conditional on traffic movements and the hubs being investigated.

At this point it was proposed by Councillor Hunt and seconded by Councillor Stubbs that the Officer's recommendation for approval be rejected for the following reasons:

- There was insufficient detail about the product coming inward to the plant;
- Unsatisfactory answers have been given regarding the traffic routes and the hubs;
- There are safety issues regarding pedestrians and buildings along the routes to Ely, not confined to the immediate vicinity but to the wider area;
- The issues regarding wildlife are not completely satisfied;
- Views of the Cathedral;
- Disturbance to the SSSI.

When the motion was put to the vote, it was declared that there was an equality of votes, there being 4 votes for, and 4 votes against.

The Chairman therefore used his casting vote to vote against the motion, which was duly declared lost.

Councillor Beckett expressed concern at the reasons having been put forward for refusal. He felt that the application would require permission before the location of the hubs could be known. He repeated his view that this was a very parochial view regarding Ely, adding that Sutton already had a straw burning plant and Highways had raised no objections to it. He believed the reasons for refusal were unsustainable.

Councillor Hunt said he took exception to the term "parochial"; with a 50 mile radius from the proposed plant, he would be amazed if the applicant had not already got some suppliers lined up.

The Chairman reminded Members that they should now return to the original recommendation within the report as a starting point for a further motion. Councillor Beckett said he was content to propose approval of the application, subject to a maximum time limit for a response from Natural

England regarding the bittern. The Senior Planning Officer interjected to suggest that she would like to have this resolved in the next 2-3 weeks and would be happy to try and get a response from Natural England.

It was proposed by Councillor Beckett and seconded by Councillor Cox that the application be approved, with a time limit of 8 weeks being set for a response from Natural England.

Councillor Hunt commented that Officers should have had a consultation period as part of their fact finding; residents were not aware of the impacts of this proposal, and they should be. The Senior Planning Officer replied that there had been consultation, which had included transportation. Natural England had asked the Authority to investigate and concluded that the issues raised could be mitigated. She wanted a situation where the organisation was happy/satisfied with what was being put forward.

The Planning Manager added that Natural England could challenge the Council's decision and it would be better to give them a timescale in which to respond. If no agreement was reached, the application could always be brought back to Committee.

Members returned to Councillor Beckett's proposal for approval of the Officer recommendation. When put to the vote, there was an equality, there being 4 votes for, and 4 votes against.

The Chairman used his casting vote to vote in favour of the motion, whereupon,

It was resolved:

That the Planning Manager be given delegated authority to approve application reference 15/00427/FUM, subject to the following:

- 1) Further investigation of the impacts on booming bittern;
- 2) The amended conditions, as tabled at the meeting; and
- 3) The imposition of an 8 week time limit in respect of the response from Natural England.

It was further resolved:

That the application will be returned to Committee if no agreement is reached.

(At this point there was a comfort break between 3.21pm and 3.25pm)

24. **15/00400/FUL – 11-13 BERNARD STREET, ELY.**

Julie Barrow, Planning Officer, presented a report (Q54, previously circulated) which sought consent for the construction of a pair of two storey semi detached dwellings on land formerly belonging to 11 and 13 Bernard Street.

The dwellings would have a cottage style appearance, similar to other dwellings on Bernard Street. At the rear a projecting gable feature was centred on the pair of dwellings with single storey sections adjacent to the boundaries of the site. The dwellings would be set back 6 metres from the edge of the highway with a hardstanding area between the dwellings and the highway which measured 11.5 metres wide and 5 metres deep.

On a point of housekeeping in relation to the application, Mrs Barrow asked Members to note the letter from the agent, DPA Architects Ltd, which was received after publication of the agenda.

Illustrations were displayed at the meeting which included a map of the application site, an aerial photograph, an illustrative of the proposal, floor plans of the proposed dwellings and a photograph of Bernard Street.

Members were reminded that the main considerations in determining the application were:

- Visual amenity;
- Highway safety and parking provision;
- Residential amenity.

The Planning Officer stated that, in terms of the principle of development, the Council could not currently demonstrate that it had a five year housing land supply and also that all applications for new housing should be considered in the context of the presumption in favour of sustainable development. The site was located close to Ely town centre, in a built up environment and within the development framework; it was therefore considered to be in a sustainable location. She reminded Members that in determining an application, the Local Planning Authority (LPA) had to weigh the benefits against the harm caused.

With regard to visual amenity and the historic environment, the Committee noted that Bernard Street was a narrow no-through road in an area characterised by dwellings on the back edge of the footpath. The site was located within Ely Conservation Area where, in accordance with Local Plan Policy ENV11, development proposals should be of a particularly high standard of design and materials in order to preserve or enhance the character or appearance of the area.

The proposal sought to set the dwellings back 6 metres from the edge of the highway. This was considered to be completely out of character with

the street scene and the wider area, and could not be justified by the fact that there was already an existing gap between No.s 11 and 13. The Planning Officer reiterated that this “gap” could be clearly attributed to the amenity and parking space available to the adjacent dwellings. The positioning of two additional dwellings on the land in the manner proposed was not in keeping with the pattern of built form in the area. The proposal would therefore serve to harm the character and appearance of the Conservation Area, and such harm would need to be weighed against the benefits of the proposal.

The Committee was reminded that the Conservation Officer had also raised concerns regarding the ridge height of the proposed dwellings as they appeared higher than the dwellings to either side as shown on the submitted street scene drawing. The proposed dwellings were of a traditional design and would fit well within the street scene in terms of fenestration and proportions, subject to a reduction in ridge height.

The Local Highways Authority (LHA) was satisfied that the proposal would not have an adverse effect on the public highway and had not raised any objections to the application. However, it was for the LPA to assess and make decision in respect of parking provision. The applicant had proposed 4 parking spaces to the front of the dwellings, and given the close proximity of the site to Ely town centre, it was accepted that one parking space per dwelling could be justified. However, it was considered that the width of the parking area was insufficient to accommodate 4 vehicles and on a practical level, was unlikely to be used in this way.

In connection with residential amenity, the Planning Officer stated that the plot size fell below the 300 square metre guideline set out in the East Cambridgeshire design Guide Supplementary Planning Document (SPD) and the footprint of the proposed dwellings exceeded the guide of approximately one third of the plot size. However, given the close proximity of the site to the town centre and the form and character of the development in the locality, this deviation from the LPA’s design guidelines was considered acceptable. In addition, the rear amenity space on offer for the two proposed dwellings and that retained for No.s 11 and 13 provided a satisfactory level of amenity for future occupiers of the dwellings.

There was however an issue regarding the relationship between the host dwelling and the proposed dwellings in that the latter were considered to have a significantly detrimental effect on the residential amenity of the former. This was contrary to Policy ENV2 of the Local Plan and the adverse effect therefore weighed significantly against the proposal.

Members noted that a number of letters had been received in support of the proposal, citing the need for small, “starter” style dwellings close to the town centre. The proposal would also bring two additional dwellings to the housing stock in Ely, as well as the economic benefits that would arise during and after construction. These benefits weighed in favour of the proposal.

The Planning Officer informed Members that, in an attempt to address concerns raised by Officers in relation to the proposal, it was suggested to the applicant that an alternative scheme could be achieved through the construction of one, possibly larger, dwelling on the site alongside No.11. The applicant declined to pursue this option and requested that the application be determined as submitted.

Members were also asked to note that the proposal had been the subject of pre-application advice, as detailed in paragraph 7.5.2 of the Officer's report. The applicant was made aware that the advice given at this stage did not prejudice any future decision taken by the LPA, and the only way to fully test the merits of the proposed development would be through the submission of a formal planning application.

A comment had been received in support of the application, saying that Ely needed more affordable housing with parking within city limits rather than encroaching on farmland. However, this application fell below the threshold for the requirement for affordable housing and the dwellings would therefore be available on the open market.

The Planning Officer concluded by saying that on balance it was considered that the benefits of the proposal did not outweigh the substantial harm caused; the application was therefore recommended for refusal.

At the invitation of the Chairman, Chris Senior, applicant, addressed the Committee and made the following comments:

- He referred to his letter dated 3rd August 2015, saying it would have been better if Members could have had his views in advance;
- With regard to the pre-application process, he was aware that there were caveats, but he still felt that the application was supported;
- Regarding parking, there would be 4 spaces and parking already existed on the narrow site;
- The two dwellings would be semi-detached and he intended to rent them out.

Mr Senior then replied to comments and questions from the Committee.

In response to a question from the Chairman, Mr Senior clarified that as well as being the agent for the application, he was also the owner of No.s 11 and 13 Bernard Street and the application site.

Councillor Beckett asked Mr Senior to explain why the proposal did not correlate with the plans before Members, as it appeared that he was cutting down on the space available. Mr Senior replied that the fence had

been put up for safe access and because of this, parking was temporarily reduced.

Councillor Hunt concurred that the plans did not relate to elements of what was on the ground. He had noticed that the land on which wheelie bins were being stored would be cut off from the application site and the bins would have to go in their next door neighbour's garden. It also seemed to him that the "temporary" fence was actually rather substantial. Mr Senior replied that if there was a discrepancy with the fence, it would have to be removed; the plans in front of the Committee were the site plans. On this point, the Chairman suggested that the fence had just been erected for safety reasons and would be removed.

At the invitation of the Chairman, Councillor Richard Hobbs spoke in objection to the application and made the following comments:

- He was here today in his capacity as a resident of Bernard Street, and with the support of his neighbours;
- He had lived in Bernard Street for 28 years. No.s 11 and 13 had been occupied in that time and the gardens had always been used for parking;
- Only four dwellings in the street had off-street parking and the loss of parking on the application site would have an impact on an already overloaded area;
- He referred Members to the Officer's reason for recommending refusal in relation to parking;
- No. 11 Bernard Street was currently up for rental and the specification stated that there was only on-street parking;
- If the application was granted approval, there would be an impact on Bernard Street.

Councillor Beckett asked the Planning Officer to clarify that if the application was granted permission, it would be as the layout that had been approved. She confirmed that this was correct and that if there were any changes, there would most likely have to be a further application.

The Chairman enquired about the exploration of an alternative scheme, asking about the applicant's response to the suggestion of a single dwelling with parking at the rear. He wondered why there had been no success and what the stumbling point might have been. The Planning Officer replied that the applicant chose to have no further discussion and wished the application to be determined in this form.

Councillor Beckett said this was very difficult because, on the one hand, there would be 4 houses to rent, but on the other there was the size and width of the street and the issue of car parking to be considered. He found the fence off-putting, as the pathway down to the site would be closed off and this was not on the plan. He also questioned the "temporary" nature of the fencing, saying that having it attached to concrete posts suggested something more permanent.

There being no further comments or questions, it was proposed by Councillor Austen and seconded by Councillor Edwards that the Officer's recommendation for refusal be supported. When put to the vote, the motion was declared carried and,

It was resolved:

That planning application reference 15/00400/FUL be REFUSED, for the reasons as set out in the Officer's report.

Councillor Beckett requested that the letter regarding pre-application advice be reviewed by the appropriate Committee.

25. **15/00700/FUL – 22 CAMBRIDGE ROAD, ELY.**

Julie Barrow, Planning Officer, presented a report (Q55, previously circulated) which sought consent for the construction of a 2 bedroom single storey dwelling within the garden of 22 Cambridge Road.

On a point of housekeeping in relation to the application, Mrs Barrow asked Members to note the additional comments dated 4th August 2015, which had been received after publication of the agenda.

The proposed dwelling would occupy a maximum footprint of 17.5 metres by 8.8 metres and feature a pitched roof along the southern boundary; the remainder of the proposed dwelling would feature a flat "green" roof. The existing access off Cambridge Road to the host dwelling was to be used for the proposed dwelling together with an existing drive running along the northern boundary. An existing garage was to be demolished as part of the proposal to facilitate access to the site and the creation of a parking and turning area in front of the proposed dwelling. The host dwelling would have the use of an existing parking and turning area between the front of the dwelling and Cambridge Road.

It was noted that during the course of the application an amended site layout plan was submitted, removing a proposed additional crossover point from Cambridge Road. This amendment was submitted in response to comments received from the Local Highway Authority.

Illustrations were displayed at the meeting which included a map of the application site, an aerial photograph, illustratives of the proposal, the elevations, and the layout.

Members were reminded that the key issues for consideration were:

- Visual amenity;
- Residential amenity; and

- Highway safety.

The Committee noted that, in terms of the principle of development, the Council could not currently demonstrate that it had a five year housing land supply and also that all applications for new housing should be considered in the context of the presumption in favour of sustainable development. The application site was close to Ely town centre, in a built up environment and within the development framework; it was therefore considered to be in a sustainable location. The Planning Officer reminded Members that in determining an application, the Local Planning Authority (LPA) had to weigh the benefits against the harm caused.

The Planning Officer reminded Members that the site had been the subject of two planning applications in the past.

The first, in 2013, was for the construction of 2 two and a half storey semi detached houses. This was refused and dismissed on appeal; a copy of the Inspector's Decision Notice was attached as Appendix 2 to the Officer's report. The second application for a 3 bedroom detached house was withdrawn by the applicants.

It was noted that since the issue of the Decision Notice, the Council had adopted the Local Plan 2015. However, Local Plan Policy ENV11 in relation to conservation areas contained the same test as the previous Core Strategy policy (EN5), and stated that development proposals, within, or affecting a conservation area should be of a particularly high standard of design and materials in order to preserve the character or appearance of the area.

With regard to residential amenity, the Planning Officer stated that the proposal would provide for sufficient amenity space for both the host and new dwelling. The reduction in scale and bulk and the use of contemporary design, incorporating such features as a "green" roof, would preserve the character and appearance of the Conservation Area. Whilst the flat "green" roof would be visible to the occupiers of Cambridge Court, it was not felt that the presence of the proposed dwelling would have a significantly detrimental effect on their residential amenity.

Concerns had been raised by the occupiers of No. 24 in relation to perceived loss of privacy and amenity. They were concerned that they would be asked to reduce the height of their trees, fencing and shrubs should the application be approved. There was no evidence to suggest that this was likely to be the case. The protected Robinia tree to the rear of the site would be retained as its presence was not considered to have such a dominating effect that it would have an impact on the ability of the occupiers to use this space.

On balance it was therefore considered that the proposed dwelling would not have a significantly detrimental effect on the residential amenity of the future occupiers of the proposed dwelling or the occupiers of the host

dwelling and neighbouring dwellings at Cambridge Court and No.s 20 and 22 Cambridge Road.

Members noted that the Local Highway Authority requested that the existing access be used for both dwellings, and as there was sufficient parking and turning available on site, they had no objections to the proposal.

In connection with other material matters, the Planning Officer stated that the Council's Trees Officer was satisfied that the tree protection measures were acceptable; the development was compliant with the RECAP Waste Management Guide SPD, and renewable energy had been incorporated into the scheme.

A question had been raised regarding the ornamental pond in the garden of No. 24, as it was close to the site of the proposed dwelling. Expert advice was taken regarding the likely presence of great crested newts in, or near to the pond and it was considered very unlikely that the pond would be a suitable habitat. However, protective fencing could be erected if required.

At the invitation of the Chairman, Mrs Warren, resident of 10 Houghton Gardens, addressed the Committee in objection to the application and made the following comments:

- The original application was rejected on the grounds it was overdevelopment of the garden plot, and this was still the case with this application;
- A principle had been set and the McCarthy & Stone application had been rejected for the same reason;
- If permission was granted for this application, there was a great possibility that McCarthy & Stone would come back to Ely;
- The applicants had objected to the Cambridge Court development and derogatory comments had been made;
- The architect had not mentioned that there was a log cabin under the Robinia tree;
- One dwelling would blight Cambridge Court;
- There was a personal element to these multi applications, large fees for one development;
- An owl roosted in the Robinia, and herons had been seen;
- The long roots of the Robinia could be compromised by a building in the garden and there had been the loss of the other trees at Cambridge Court;
- A door/gate was shown on drawings but Cambridge Court residents had been refused access.

At the invitation of the Chairman, Judith Brear, agent for the applicant, spoke in support of the application and made the following remarks:

- She thanked the Planning Officer for a very thorough report;

- She wished to emphasise that this application was for one small single storey house which could be adapted for wheel chair accessibility;
- There would be no loss of amenity and Highways had no objections;
- The dwelling would be almost invisible from Cambridge Court;
- Cambridge Court was a bland development which had impacted on the gardens of nearby residents;
- This proposal would make efficient use of the land;
- The City of Ely Council was being inconsistent because whereas two years ago it had raised no objection to two houses, it was now objecting to one small house;
- She had concerns about the Planning Inspector's comments. The proposal would not affect the Conservation Area and she disagreed that the dwelling would not be in keeping with the area because all the houses were different;
- The plot size for the whole site was 469 square metres;
- The proposal was for one small dwelling which would be close to the town centre, shops and a GP surgery in a highly sought after area;
- The addition of this dwelling to the housing stock would be beneficial.

At the invitation of the Chairman, Councillor Anna Bailey addressed the Committee and made the following points:

- She was a County Councillor, representing the Ely South & West division and she lived at 40 Cambridge Road;
- She had been approached by local residents to speak on their behalf;
- Of the two previous applications, the first had been refused;
- This proposal did not address the Inspector's comments;
- There were concerns regarding the width and cramping had not been taken into consideration because the new dwelling would be of a far greater width than the host building;
- The north and south elevations were way too close to the boundary;
- The rear garden contributed to a sense of space, and this had not been addressed;
- There were concerns about this being a bland development;
- East Cambridgeshire had long strived to get executives houses in the mix;
- Ely Conservation Area was a design heritage asset – spaces as well as buildings;
- The Planning Inspector had said the access to the car parking was visually intrusive;
- The area of the site was 550 square metres and the latest plan did not include the driveway. The donor building was only 300 square metres;

- The new building would cover 34% of the plot. This was marginal, but it was still overdevelopment;
- The width of the access and site had not changed;
- The Inspector had backed the previous design;
- The proposal would harm the area. It would not preserve the character of the Conservation Area and the Inspector felt this added weight to the main issue;
- This would be a typical townhouse.

Councillor Beckett commented that he wondered if the City Councillors were prejudiced because they did not want any more backland development on the Cambridge Road. The Chairman responded, saying that at City Council level, he had had nothing to do with this application. Councillor Austen stated that she did not sit on the City Council's Planning Committee. The Legal Advisor reminded Members that this was a matter for individual judgement.

At the invitation of the Chairman, Councillor Bill Hunt addressed the Committee in opposition to the application and made the following remarks:

- Councillor Bailey had already made many of the points he was going to raise, so he would not repeat them;
- By way of some background detail, there had been a bus depot on Cambridge Road for 10-15 years, and this was replaced by the block of flats at Cambridge Court;
- In his Decision Notice, the Inspector had expressed concerns regarding the traffic situation. The County Council Highways department had thought it appropriate to position a 30mph flashing sign exactly there. However, the results of a survey showed that the No.1 concern for residents was traffic speed;
- There was only maximum capacity for 4 parking spaces, so where were visitors etc to park?
- Visibility was impeded by a lamp post and a tree;
- The application site was in the Conservation Area where any development had to enhance and improve the Area, and he did not think this did;
- The benefits had to be sustainable, but there would be an impact on the doctor's surgery;
- The views of the City of Ely Council should be taken into account, and they recommended refusal;
- If the application was approved, there would be loss of some amenity space;
- The plans should be looked at carefully. On the south side, there was 600cm to the fence, and on the north side it was slightly less than 1 metre – the overdevelopment was obvious;
- He could not see many benefits to the community. This remained backland development, trying to squeeze something into a plot that should not be there;

- Planning permission should only be given if the proposal enhanced the area and this should be rejected as unsuitable, as it was unworthy.

Having exercised his right to speak, Councillor Hunt vacated the Council Chamber.

Councillor Beckett said that if this application had been in one of the rural villages, planning permission would have been refused on the grounds that it was too cramped. However, in an urban area, a different view was taken. He appreciated the views put forward by Councillors Hunt and Bailey, and he too did not like the narrowness of the plot, but this would be another house, in town. It was needed and would bring trade into the town. The Planning Officer had taken into account the appeal process, and so on balance he was minded to support the Officer's recommendation

Councillor Beckett proposed and Councillor Edwards seconded that the Officer's recommendation for approval be accepted.

Councillor Stubbs disagreed, saying that the proposal should be rejected because it was out of character for the area, it would have a detrimental impact on the Conservation Area and she was not convinced that it would enhance or preserve the area.

Members returned to Councillor Beckett's proposal for approval of the Officer recommendation. With the agreement of the Committee, the motion was put to the vote twice, as one Member was found not to have clearly indicated his vote on the first count. The result of the second count was an equality, there being 3 votes for, and 3 votes against.

The Chairman used his casting vote in favour of the motion, whereupon,

It was resolved:

That planning application reference 15/00700/FUL be APPROVED, subject to the conditions as set out in the Officer's report.

Councillor Hunt returned to the Council Chamber.

26. **15/00632/FUL & 15/00633/LBC – GOODWIN MANOR, 1 STATION ROAD, SWAFFHAM PRIOR.**

Jon Pavey-Smith, Planning Officer, presented a report (Q56, previously circulated) which sought consent for the construction of a single storey, flat roofed rear extension to a Grade II listed building, located within the Swaffham Prior Conservation Area. The proposed extension would be located on what was the rear elevation of the building; however, it was to be

noted that this was the elevation that was now used as the principle entrance. The extension would accommodate a lobby and utility room.

Tabled at the meeting was a letter from Mrs Charmain Hawkins, agent for the applicant.

Illustrations were displayed at the meeting which included a map of the application site, an aerial photograph and a photograph of the location.

The Committee was reminded that the main considerations in the determination of these two applications were:

- The impact on the historic environment; and
- The impact on the residential amenity of neighbouring properties.

The applicant's justification for the extension was that it would provide a utility room and porch. The proposals would enable laundry facilities to be provided for the property so that washing could be dealt with within an area of modern fabric, thus removing any potential harm from leaks. It would not harm the historic plan layout of the building and would utilise an existing door opening to the building.

The Planning Officer reiterated that any development affecting heritage assets should be of a particularly high standard of design as well as using high quality materials. Contained within paragraph 7.2 of his report were the requirements of the East Cambridgeshire Local Plan Policy ENV12, and the circumstances under which proposals affecting the setting of a listed building would be permitted.

Goodwin Manor was a Grade II listed building of national significance, and therefore any alterations had to be carefully considered to ensure that no harm was caused to the significance of the heritage asset. Where a proposal failed to have regard for the special character of a heritage asset or caused harm to its significance and there were no public benefits to weigh that harm against, then a proposal could not be deemed to be in accordance with planning policy.

Whilst an extension to provide a utility room and porch might be desirable, it could not be regarded as fundamental to providing modern living standards. From the information provided by the applicant, it appeared that there was capacity in the existing kitchen to provide space for a washing machine and tumble dryer by removing existing kitchen units.

Although the historic significance of the building as a whole was high, the rear elevation had been identified as being moderate to low, and this was not disputed by Officers. However, by virtue of how the building was used, it was this rear elevation that was now the most "visible" thereby increasing the level of its significance.

The vehicular and pedestrian access to the site was from the north and the main entrance into the property was through the door located on this elevation. This resulted in the elevation now being the “public face” of the building, and any alterations to the façade could be regarded as having a significant impact on how the building was viewed and appreciated.

Referring to the NPPF, the Planning Officer reminded Members of the principles, as set out in Section 12:

Paragraph 132 clearly stated *“When considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset’s conservation ... As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”*.

Paragraph 134 also stated: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”*.

Having weighed up the proposal in accordance with the NPPF, Officers believed that the proposed development would cause less than substantial harm. However, as it affected a private residence, there could be no public benefit derived from the scheme. Also there was capacity within the existing kitchen to provide space for a washing machine downstairs without any harm being caused to the listed building or its setting.

It was therefore considered that the proposed extension would be detrimental to the visual amenity, character, appearance and setting of the listed building and would be contrary to Policies ENV2, ENV12 of the Local Plan, Section 12 and paragraphs 132 and 134 of the NPPF, and the East Cambridgeshire Design guide SPD.

At the invitation of the Chairman, Charmain Hawkins spoke on behalf of the applicant and made the following points:

- She was a Heritage & Planning Consultant, and she hoped that Members had had a chance to see her letter, which was a response to the Officer’s report;
- She had been asked to assist with the application and had taken part in the pre-application discussions;
- The Conservation Officer had not disputed that the north west elevation was of lesser significance;
- There would be no loss of historic fabric or features;
- She disagreed that there would be a visual impact and did not accept that this was the main façade;
- There had been recent permission granted for a vehicle and access gateway;
- The rear door was a service door, the entrance used by the family;

- She disagreed that there would be no public benefits. A boot room and utility room would ensure optimum viable use, removing the risk of the washing machine leaking and wet clothes. The kitchen was used for informal dining and as space was limited, a washing machine would be intrusive;
- The proposal was in accord with Policy ENV12, as it was in the most appropriate location;
- With regard to the NPPF, she believed that the harm could be balanced against the benefits.

Mrs Hawkins then responded to comments and questions from the Committee.

Councillor Hunt asked, if consent was granted, would she be prepared to work with the Conservation Officer regarding materials etc, and Mrs Hawkins confirmed that she would.

Councillor Beckett wished to know if the proposed extension would feed into the flat roof, bearing in mind roof levels and the head height at the back of the property. Mrs Hawkins replied that there would be some element of intervention into the lower section of the cat slide roof.

The Chairman observed that this was a complex building which had been amended and extended over three different eras.

At the invitation of the Chairman, Councillor Allen Alderson, Ward Member for The Swaffhams, spoke in support of the application and made the following remarks:

- This was a lovely old building, one of several in Swaffham Prior, and if he had thought the proposal would have a detrimental impact, he would have told the applicant;
- These buildings did have alterations over the years, and this application would help the way in which the building could be used;
- The extension would not be visible from the road, and it would be a secondary entrance to the house;
- Where the washing machine was currently located upstairs, it was causing condensation;
- This proposal for a utility and boot room would not harm the fabric of the building;
- There was nowhere reasonable at the moment to take off boots and damp clothing;
- This proposal gave weight to how the building should be used and it should be granted planning permission.

Councillor Hunt said that buildings of this age evolved with time, and he used Ely Cathedral as an example, saying that although the building was medieval, it had a Wren doorway. He believed this application to be both

reasonable and sensible, and he proposed that the Officer's recommendation for refusal should be rejected for the following reasons:

- The proposal was a reasonable extension;
- It would enable the occupiers to preserve the building;
- It was in an area previously worked on and extended;
- It was not at the front of the building;
- The Council had a duty to preserve these buildings.

In seconding the motion, Councillor Beckett commented that 16th century buildings were not designed for 21st century living, and Members should do anything they could to make the building habitable.

The Planning Manager requested that the reasons for rejecting the Officer's recommendation be more detailed. The reasons as stated were not sufficient enough to satisfy the NPPF in relation to public benefit.

Councillor Hunt said a further reason could be that granting permission would keep an historic building for the benefit of future generations, and the Chairman added that the scheme would remove the risk of condensation to the house.

When put to the vote, the motion was declared carried, whereupon,

It was resolved:

That planning application references 15/00632/FUL and 15/00633/LBC be APPROVED for the following reasons:

- 1) 16th century buildings were not designed for 21st century living, and the work is essential to make the building habitable;
- 2) The proposal is for a reasonable extension in a part of the building that has previously been extended;
- 3) It will enable the occupiers to preserve the building and remove the risk of condensation;
- 4) The extension will not be at the front of the building;
- 5) The Council has a duty to preserve these buildings; and
- 6) It will ensure the preservation of an historic building for the benefit of future generations.

The meeting closed at 5.00pm.